

## **Appendix B.**

# **Ada County Vehicle Inspection and Maintenance Program**

- B-1      Description of Ada County Vehicle Inspection and Maintenance Program**
- B-2      Rules and Regulations for Ada County Automotive Inspection and Maintenance Program**
- B-3      Enforceable Regulations – Local Ordinances Requiring Emissions Testing**

# **Appendix B-1**

## **Description of Vehicle Inspection and Maintenance Programs**

## **Description of Vehicle Inspection and Maintenance Programs**

A vehicle inspection and maintenance (I/M) program, operated under the auspices of the Ada County Air Quality Board (Air Quality Board) was established in 1984 as a joint action of Ada County, the Ada County Highway District (ACHD), and the cities of Boise, Eagle, Garden City and Meridian. In 1991, the rules and regulations were updated to change the requirements for testing equipment. At this time, new ordinances were passed in the county and cities to extend the program for future years.<sup>1</sup>

The cities of Boise, Eagle, Garden City, and Meridian, as well as the ACHD and Ada County re-adopted the I/M ordinances to extend them permanently unless an injunction is formally adopted. The City of Kuna has not participated in the testing program. However, as of October 2001, the Mayor of Kuna and the Idaho Department of Environmental Quality have agreed to work towards resolving this issue in the near future.

### ***General Description of the Vehicle Inspection and Maintenance Program***

An annual vehicle exhaust emissions test is required of all vehicles whose owners have a primary residence or domicile in Ada County. Vehicle registration may be revoked for vehicles that do not complete the emissions test or apply for a waiver. Vehicles that are model year 1965 or older, are registered as a motor home, or are under 1,500 pounds gross vehicle weight (e.g. motorcycles) are exempt from the emissions testing requirement.

Idaho motor vehicles may be registered in any county, but owners must designate a home county for the vehicle. It is thought that approximately 5000 owners who reside and drive in Ada County register their vehicles outside of the county. In addition, the Community Planning Association's transportation forecasting model estimates that 10.1% of all vehicle miles traveled in Ada County are vehicles from outside of Ada County which are not subject to the emissions testing program.

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<sup>1</sup> "The 1991 Motor Vehicle Control Ordinance", Ordinance number 5273, City of Boise;  
"The 1991 Motor Vehicle Control Ordinance", Ordinance number 558, Garden City;  
"The 1991 Motor Vehicle Control Ordinance", Ordinance number 547, City of Meridian;  
"The 1991 Motor Vehicle Control Ordinance", Ordinance number 177, City of Eagle  
"The 1991 Motor Vehicle Control Ordinance", Title 6, Chapter 1-3, Ada County Motor Vehicle Code

Any private entrepreneur who meets minimum licensing requirements may operate an exhaust emissions testing site. Minimum licensing requirements for technicians include passing a written and practical exam given by Air Quality Board personnel. Applicants must demonstrate knowledge of:

- The operation and purpose of emissions control systems
- The relationship of hydrocarbons and carbon monoxide emissions to timing and fuel management systems
- Adjustments of motor vehicles to manufacturer's specifications
- Operation of an exhaust gas analyzer

They must also demonstrate the ability to:

- Conduct a visual inspection of the required emissions control equipment
- Use, care and maintain the exhaust gas analyzer
- Conduct emissions tests
- Adjust the engine systems to manufacturer's specifications
- Use AIR program forms

In Ada County most exhaust emission tests are performed by operators of mobile vans. However, facilities must remain at a permanent location. Facilities are required to demonstrate the ability to:

- Perform emission tests
- Comply with reporting and record keeping requirements
- Employ at least one person who has a valid Emission Mechanic License

Facilities must conduct the exhaust emissions tests using approved equipment, including an NDIR exhaust analyzer that meets the 1990 California Bureau of Automotive Repair (BAR 90) or later specifications and the requirements of 207(b) of the Federal Clean Air Act. The BAR90 emission test sequence is a menu-driven, step by step procedure which insures that proper procedures are followed.

The maximum allowable charge for a vehicle emissions test is \$12.00, which includes the test and a Certificate of Compliance. This fee is collected at the place of testing, and emission test information is forwarded to the Air Quality Board's vehicle registration. The Air Quality Board uses a computer data-base to track vehicle compliance with emission testing requirements. Vehicle registration may be revoked for vehicles that do not either successfully pass the emissions test or obtain a waiver.

The exhaust emissions test consists of an analysis of exhaust emissions for all vehicles, and a visual check of emission control devices on 1984 and newer vehicles. The check of emission

control devices includes verification of the presence and operation of a catalytic converter and an air injection system. When leaded fuel was still widely available, the test also included a visual check of the size of the fuel inlet restrictor. On 1984 and newer vehicles any emission control devices that have been removed or altered must be restored before a certificate of compliance will be issued.

Under this program, owners of vehicles exceeding the model year carbon monoxide percentage standard have ten days to adjust or repair the vehicle, and return for a free re-inspection.

The I/M program authorizes waivers for some vehicles that fail the exhaust emission test. Each waiver is valid for one year. Requirements for receiving a waiver have been altered over the years, and are more fully detailed below.

***Description of the Vehicle Inspection and Maintenance Program prior to December 1998***

The Vehicle Inspection and Maintenance Program has become progressively more stringent over the years. The following list defines specific issues and components of the program that existed prior to December 1998:

- Vehicle exhaust emissions tests were required annually.
- Diesel fueled vehicles were exempt from testing requirements.
- Most stations offered their customers some level of vehicle repair opportunity in the event of a failed test.
- Exhaust emissions were measured only at idle.
- Waiver policies for vehicles that failed the exhaust emission tests were somewhat lenient. Waivers were issued based upon a request by the vehicle owner and a promise that they would attempt to repair the failed engine in the future. The vehicle was not given another waiver on the next emission test unless the owner had paid for emission-related repairs of at least \$175 for 1981 and newer vehicles, or at least \$75 for 1980 and older vehicles. About 1000 vehicles annually received the one year waiver. Approximately 15.5% of vehicles that failed an emissions test were issued waivers in 1998.
- Thresholds for maximum allowable carbon monoxide emissions were somewhat lenient compared to thresholds used elsewhere in the nation.

**Table 1:** Allowable Carbon Monoxide Percentage of Total Tailpipe Emissions, 1984-1998

<b>Light Duty Vehicles</b> (1,500 -8,499 lbs. GVW)		<b>Heavy Duty Vehicles</b> (Over 8,500 lbs. GVW)	
1965-1974	5.5%	1965-1974	6.0%
1975-1979	3.5%	1975-1980	5.0%
1980	1.5%		
1981 & newer	1.2%	1981 & newer	3.0%

***Description of Changes to the Vehicle Inspection and Maintenance Program beginning December 1998***

Beginning in December 1998, several changes were made to the Vehicle Inspection and Maintenance Program. The following list defines specific issues and components of the program that were established in December 1998:

- The waiver policy was revised to require owners of vehicles that failed an emissions test to spend a minimum of \$150 on emission related repairs before a waiver was issued. The percentage of waivers issued declined drastically. The percentage of waivers issued dropped from approximately 15.5% to only 1.5% of vehicles that failed an emissions test.
- The cut point for the allowable percentage of carbon monoxide in tailpipe emissions was made more stringent. The allowable percentage was lowered by 0.5 % for 1965 through 1979 model year light duty vehicles. The more stringent cut points resulted in an additional 0.4% of vehicles failing the carbon monoxide component of the test (from 4.5% to 4.9%).
- A standard for hydrocarbon emissions was added for all tested vehicles. 4.3% of tested vehicles failed the hydrocarbon test.

**Table 2:** Allowable Carbon Monoxide Percentage of Total Tailpipe Emissions, December 1998 to Current.

<b>Light Duty Vehicles</b> (1,500 -8,499 lbs. GVW)		<b>Change</b>	<b>Heavy Duty Vehicles</b> (Over 8,500 lbs. GVW)		<b>Change</b>
1965-1974	5.0%	-0.5%	1965-1974	6.0%	*
1975-1979	3.0%	-0.5%	1975-1980	5.0%	*
1980	1.5%	*			
1981 & newer	1.2%	*	1981 & newer	3.0%	*

**Table 3:** Tailpipe Emissions Hydro Carbon Thresholds, Initiated December, 1998

<b>Light Duty Vehicles</b> (1,500 -8,499 lbs. GVW)		<b>Heavy Duty Vehicles</b> (Over 8,500 lbs. GVW)	
1965-1974	900 ppm	1965-1974	900 ppm
1975-1979	700 ppm	1975-1980	700 ppm
1980	400 ppm		
1981 & newer	220 ppm	1981 & newer	500 ppm

***Description of Recent Changes to the Vehicle Inspection and Maintenance Program***

Several additional changes were recently made to the Vehicle Inspection and Maintenance Program. These changes are reflected in emissions estimates for future years in the 1995 Carbon Monoxide Emissions Inventory. The following list defines specific issues and components of the program that have been established recently:

- Beginning in June of 2000, diesel powered vehicles, previously exempt, were required to pass an emissions test in order to retain their registrations.
- Beginning in January of 2000, the test was expanded from an idle only test to a two-speed test conducted at both idle and at 2500 rpm for 25 seconds.
- Beginning in January of 2000, the owners, operators, or affiliates of emissions testing stations are no longer permitted to offer repair services to correct emissions.
- Moving from annual to biennial (every other year) testing was planned to begin in July of 2000. The Emissions Inventory for the *Northern Ada County Carbon Monoxide Limited Maintenance Plan* reflects this change. The Mobile 5b model used to estimate emissions interprets this change to result in slightly increased carbon monoxide emissions, as vehicles with excessive emissions would potentially not be repaired as often.

## **Appendix B-2**

# **Rules and Regulations for Ada County Automotive Inspection and Maintenance Program**



**AIR QUALITY BOARD**

200 n. 4<sup>th</sup> St., Suite 10

Boise, ID 83702

(208) 345-9191

**AUTOMOTIVE INSEPCTION AND  
MAINTENANCE PROGRAM  
RULES AND REGULATIONS**

From website October 11, 2001

## **I. AUTHORITY FOR ADOPTION**

These Rules and Regulations are established by the Air Quality Board under authority of ordinances titled "the 1991 Motor Vehicle Emissions Control Ordinance".

Title 6, Chapter 1-3 of the Ada County Motor Vehicle Code

City of Boise, Idaho Ordinance Number 5273

Garden City Ordinance Number 558

City of Meridian Ordinance 547

City of Eagle Ordinance Number 177

## **II. DEFINITIONS**

- A. Air Quality Board (AQB):** the governing body of the AIR Program.
- B. AIR Program Station:** an approved inspection facility which meets the licensing requirements for an initial emissions test station as outlined in these Rules and Regulations.
- C. AIR Program Retest Station:** an approved repair facility which meets the licensing requirements for a repair and retest station as outlined in these Rules and Regulations.
- D. Audit Gas:** the gas specified by the AQB to be used for AIR Program station audits.
- E. Automotive Inspection and Readjustment Program (AIR):** the program established by Joint Powers Agreement # 1291 between Ada County, and the cities of Boise, Meridian, Eagle, and Garden City to reduce vehicular pollution levels in Ada County.
- F. Calibration Gases:** gases of manufacturer's specified concentration which are used as references for establishing or verifying the calibration curve of an exhaust analyzer.
- G. Certificate of Compliance:** the printout from an Air Quality Board approved analyzer showing the results of an emissions inspection (failed test results are valid certificates when accompanied by a Request for Waiver form).
- H. "Emissions Technician"** means a person who has:
  - 1) Qualified by passing a written and practical exam given by Air Quality Board personnel.
  - 2) Successfully demonstrated the ability to operate, calibrate, and maintain the required analyzers.
  - 3) Applied for and maintains a valid "Emissions Technician" license.
- I. Emission Test:** the analysis of the exhaust gases emitted from a motor vehicle.
- J. Exempt Motor Vehicle:** A vehicle which:
  - 1) Is a 1964 or older model year vehicle.
  - 2) Is powered by other than gasoline or diesel fuel (propane, electric, etc.).

**AIR QUALITY BOARD  
Rules and Regulations**

- 3) Is in its first year of operation and being operated by the original owner. (Resold vehicles, even though in their first year of operation, are required to be emissions tested.)
- 4) Has a maximum vehicle gross weight of less than 1,500 pounds.
- 5) Is registered as a Motor Home.
- 6) Is registered as an Idaho Old Timer or Classic Vehicle.

**K. Model Year:** the year shown on the motor vehicle registration.

**L. Motor Vehicle:** as defined by the Idaho Code.

**M. Non-Exempt Motor Vehicle:** Any vehicle which:

- 1) Is a 1965 or newer model year vehicle.
- 2) Is gasoline or diesel fuel powered.
- 3) Weighs over 1,500 pounds.
- 4) Is not in its first year of operation by the original owner.
- 5) Is not registered as a Motor Home.
- 6) Is not registered as an Idaho Old Timer vehicle or Classic vehicle.

**N. Span Gas:** an authorized AIR Program gas used in weekly analyzer span procedure as described in Section IV.H.

**O. Station Sign:** the official public designation of an AIR Program Station.

### **III. EMISSIONS TECHNICIAN LICENSE**

**A. Applications for License:** Application for a license as an Emissions Technician shall be filed with the Air Quality Board. Applications for the Emissions Technician License shall be completed on forms provided by the AQB.

**B. Fees:**

- 1) The application fee for an Emissions Technician License is \$30.00, payable to the Air Quality Board (AQB). There is no fee for annual renewal.
- 2) Fees for an Emissions Technician License shall be due upon application for license. Payment must be made with a check or money order drawn to the Air Quality Board.

**C. Requirements For Issuance of An Emissions Technician License:** An applicant must demonstrate the knowledge and skill necessary to perform an emissions test of motor vehicle engines. Such knowledge and skill will be shown by passing:

**AIR QUALITY BOARD  
Rules and Regulations**

- 1) A written or oral Emissions Technician Qualification Test that tests the applicant's knowledge of the following:
  - a) Operation of an exhaust gas analyzer, including the performance of a span gas procedure and
  - b) Those portions of the "Rules and Regulations" with which a technician needs to be familiar in order to effectively carry out his duties.

Note: If an oral exam is given, a written list of answers must accompany the test answer sheet. Interpreters for non-English speaking applicants are to be provided by the applicants.

- 2) A performance test that demonstrates the applicant's skill in the performance of emissions testing. The performance test will be comprised of one or more of the following items as determined by the Air Quality Board personnel administering the evaluation.
  - a) Visual inspection of the required emissions control equipment for 1984 and newer vehicles.
  - b) Demonstration of skill in the proper analyzer use, care, maintenance, and gas spanning.
  - c) Demonstration of ability to conduct the emissions test.
  - d) Demonstration of ability to properly use AIR Program forms.

**D. Approval Procedure:** Applications submitted to the AQB will be reviewed for compliance with paragraph IIIC above. Applicants successfully meeting the requirements for Emissions Technician License will be issued an Emissions Technician License by the AQB.

**E. Transfer of Emissions Technician License:**

- 1) The Emissions Technician must notify the AQB, in writing within five (5) days, when he/she begins employment at another AIR Program Station or is no longer employed as an Emissions Technician.
- 2) The AIR Program Station must notify the AQB in writing within five (5) days after employing an Emission Technician who is transferring his/her Emissions Technician License.

**F. Lapse of Emissions Technician License:**

- 1) It is the responsibility of the Emissions Technician to pursue license renewal.
- 2) A person issued an Emissions Technician License who does not make application for renewal prior to expiration shall be deemed to have forfeited the said License and shall be required to reapply, remit the required application fee, and pass the Emissions Technician Qualification Test before a new license will be issued.

**G. Re-qualification Requirements for Emissions Technician:**

- 1) Emission Technicians shall be required to re-qualify if the AQB determines it is necessary to update their technical qualifications.

- 2) The AQB will mail a notice to the Emissions Technician's AIR Program Station address specifying requirements for re-qualification.

#### **H. Revocation of Emissions Technician License:**

- 1) The AQB has the authority to issue warnings, and suspend, or revoke an Emissions Technician License upon showing that emission tests are not being performed in accordance with established ordinances and these Rules and Regulations. This authority is established under the Motor Vehicle Emissions Control Ordinances. The AQB, in accordance with controlling ordinances, delegates authority to its Quality Assurance employees to issue notices of alleged violation of these Rules and Regulations.
- 2) Upon notice of alleged violation as described in paragraph 1 above, the technician /station cited may, within three work days, notify the AQB that he requests a hearing on the issue. The Executive Director of the AQB (or the Chief, Quality Assurance in the Director's absence) will convene a hearing panel within five work days to determine the validity of the accusations and, if validated, impose penalties. This panel will consist of at least three members, one of whom will be a licensed emissions technician or station owner. Rulings of this panel will be imposed upon completion of said hearing. Findings of this panel may be appealed to the AQB in accordance with Section V.J.
- 3) If a hearing is not requested the Executive Director will determine the validity of the accusation and, when necessary, impose appropriate penalties.
- 4) Violations and penalty guidelines are listed in Section V, Item H, Violations and Penalties.

#### **IV. LICENSING OF AIR PROGRAM STATIONS AND AIR PROGRAM RETEST STATIONS**

##### **A. General:**

- 1) No person or enterprise shall in any manner represent any place as an AIR Program Station or AIR Program Retest Station unless such station is operated under a valid license issued by the Air Quality Board.
- 2) No license for any AIR Program Station or AIR Program Retest Station may be assigned, transferred or used by other than the original applicant for that specific station.
- 3) Applications for license as an AIR Program Station or AIR Program Retest Station shall be made on the forms provided by the AQB. No license shall be issued unless the AQB finds that the facilities, tools and equipment of the applicant comply with the requirements set forth in Section IV.C, Requirements for Licensing of an AIR Program Station or AIR Program Retest Station.
  - a) Applicants may choose to limit the performance of Emissions Tests to a particular fleet of motor vehicles, make, model, type of motor vehicle or list of customers.
  - b) Should the station applicant elect to limit the performance of Emissions Tests, the station representative must indicate on the application form, the type(s) of motor vehicle or fleet

**AIR QUALITY BOARD  
Rules and Regulations**

the station will test. The AIR Program Station may be required to furnish the AQB with special reports describing the station's operating procedures.

- c) Should the AIR Program Station desire to expand the emissions testing service to include new vehicle types or additional fleets, the station must notify the AQB in writing five (5) days prior to performing emissions tests on the additional vehicles.

**B. Fees:**

- 1) The fee for issuance of an initial station license is \$30.00.
- 2) Fees for issuance of the station license shall be due upon issuance. Payment must be made with a check or money order drawn to the Air Quality Board.

**C. Requirements for Licensed AIR Program Stations:** In order to qualify for issuance and continuance of an AIR Program Station License, an establishment must meet the following requirements:

- 1) Must have a permanent location.
- 2) Must sign a contract pledging the station will not make any emissions related adjustments or repairs on the vehicles it emissions tests. (AIR Program Stations limiting emissions testing to a particular fleet of vehicles are exempted from this paragraph.)
- 3) Must employ at least one individual who has been issued an Emissions Technician License by the Air Quality Board.
- 4) Must demonstrate the ability to perform the emissions test and comply with reporting and record keeping requirements described in Section V.E.
- 5) Must obtain and maintain in force appropriate business liability insurance.
- 6) Must have the following tools, equipment and supplies available for performance of the emissions test.
  - a) AQB approved NDIR exhaust analyzer that meets the 1990 California Bureau of Automotive Repair (BAR 90) or later specifications and the requirements of Subsection 207(b) of the Federal Clean Air Act. The analyzers will be kept in an environment which complies with the manufacturer's specifications. Repair of all exhaust gas analyzers shall be in accordance with the manufacturer's procedures using specified replacement parts. Each NDIR exhaust analyzer will have an associated users manual, published by the original equipment manufacturer, which includes analyzer model and serial number, analyzer calibration instructions, operating instructions, and the manufacturer's recommended periodic maintenance/inspection schedule and procedures. The service(s) to be performed only by the manufacturer shall be clearly identified.
  - b) Test gas bottles, a gas pressure meter which registers calibration bottle pressure, and a pressure regulator for gas spanning of the analyzer or other systems that equalizes pressure and flow between the test gas bottle and the analyzer.

**AIR QUALITY BOARD  
Rules and Regulations**

- c) Non-reactive tailpipe extenders or probe adapter for inspecting vehicles with screened or baffled exhaust systems.
- d) A diesel exhaust opacity analyzer approved by the Air Quality Board for use in the AIR Program.

7) Pay to AQB the required licensing fee.

**D. Requirements for Licensed AIR Program Retest Stations:** In order to qualify for issuance and continuance of an AIR Program Retest Station License, an establishment must meet the following requirements:

- 1) Must have a permanent location.
- 2) Must employ at least one individual who has been issued an Emissions Technician License by the Air Quality Board.
- 3) Must demonstrate the ability to perform the emissions test and comply with reporting and record keeping requirements described in Section V.E.
- 4) Must obtain and maintain in force appropriate business liability insurance.
- 5) Must have the following tools, equipment and supplies available for performance of the emissions test.
  - a) AQB approved NDIR exhaust analyzer that meets the 1990 California Bureau of Automotive Repair (BAR 90) or later specifications and the requirements of Subsection 207(b) of the Federal Clean Air Act. The analyzers will be kept in an environment which complies with the manufacturer's specifications. Repair of all exhaust gas analyzers shall be in accordance with the manufacturer's procedures using specified replacement parts. Each NDIR exhaust analyzer will have an associated users manual, published by the original equipment manufacturer, which includes analyzer model and serial number, analyzer calibration instructions, operating instructions, and the manufacturer's recommended periodic maintenance/inspection schedule and procedures. The service(s) to be performed only by the manufacturer shall be clearly identified.
  - b) Test gas bottles, a gas pressure meter which registers calibration bottle pressure, and a pressure regulator for gas spanning of the analyzer or other systems that equalizes pressure and flow between the test gas bottle and the analyzer.
  - c) Non-reactive tailpipe extenders or probe adapter for inspecting vehicles with screened or baffled exhaust systems.
  - d) A diesel exhaust opacity analyzer approved by the Air Quality Board for use in the AIR Program.
  - e) An AIR Program Retest Station can act as a retest station for either gasoline powered vehicles, diesel powered vehicles or both. The AIR Program Retest Station must have the appropriate gas analyzer, as described above, for the type of retest being performed.

- 6) Pay to AQB the required licensing fee.

**E. Approval Procedure:**

- 1) Applications received by the Air Quality Board will be reviewed for completeness and an inspection of the facility will be performed. An inspection report will be prepared for the Air Quality Board's review.
- 2) Stations which meet the requirements of Section IV.C will be granted an AIR Program Station License or AIR Program Retest Station License and issued an AIR Program Station sign. The station sign and license shall be posted in a conspicuous place, readily visible to the public. The station sign and license shall remain the property of the Air Quality Board.

**F. Revocation of AIR Program Station or AIR Program Retest Station license:** The Air Quality Board has the authority to issue warnings and suspend or revoke a station license upon a showing that emission tests are not being performed in accordance with established ordinances and these Rules and Regulations. This authority is established under the Motor Vehicle Emissions Control Ordinances. The AQB may assign the authority to issue warnings, and issue a Notice of Suspension or Notice of Revocation to its designated agents.

- 1) The AQB, in accordance with controlling ordinances, delegates authority to its Quality Assurance employees to issue notices of alleged violation of these Rules and Regulations.
- 2) Upon notice of alleged violation as described in paragraph 1 above, the station cited may, within three work days, notify the AQB that it requests a hearing on the issue. The Executive Director of the AQB (or the Chief, Quality Assurance in the Director's absence) will convene a hearing panel within five work days to determine the validity of the accusations and, if validated, impose penalties. This panel will consist of at least three members, one of whom will be a licensed emissions mechanic or station owner. Rulings of this panel will be imposed upon completion of said hearing. Findings of this panel may be appealed to the AQB in accordance with Section VJ.
- 3) If a hearing is not requested the Executive Director will determine the validity of the accusation and, when necessary, impose appropriate penalties.
- 4) Violations and penalty guidelines are listed in Section V, Item H, Violations and Penalties.

**G. Analyzer Specifications:**

- 1) No emissions test of a gasoline powered vehicle shall be performed unless the type of instrument used for measuring the exhaust gases meets the 1990 California Bureau of Automotive Repair Standards (BAR 90) and the requirements of Section 207(b) of the Clean Air Act. A copy of the current list of approved NDIR exhaust gas analyzers may be obtained from the Air Quality Board.
- 2) No emissions test of a diesel powered vehicle shall be performed unless the type of instrument used for measuring the exhaust gases has been approved by the Air Quality Board for use in the AIR Program.



**H. Test Gas Specifications:**

1) Test Gas Blend

- a) Test gas used for spanning exhaust gas analyzers will be produced and supplied to AIR Program Stations in accordance with EPA-A-A-TSS-83-8-B. A copy of this document is available at the Air Quality Board.
- b) Containers
  - i. Test gases shall be supplied in containers which meet all the provisions of the Occupational Safety and Health Administration (OSHA), as specified in 36 Federal Register 105, dated May 29, 1971.
  - ii. Containers may either be low pressure, 7.5 cubic foot DOT 39 non-rechargeable bottles or high pressure, reusable cylinder type. If high pressure, reusable type they must meet the following requirements:
    - (a) The cylinder shall meet DOT specifications for 1-A, 3-A, 3-AA, T, or equivalent cylinders.
    - (b) The rated service pressure shall be a minimum of 1800 psi.
    - (c) GGA-350 Diaphragm packless valves shall be installed in the cylinders.

2) Production

- a) The gas blender shall produce the test gas in batch form. A batch shall be considered to be any number of cylinders of identical concentrations produced at any given blending.
  - b) The gas blender must follow the blending procedure listed in the technical report, "EPA Recommended Practice For Naming T/M Calibration Gas," EPA-AA-TSS-83-8-B, September 1983. The gas supplier must provide the Air Quality Board with documentation that will certify the gas was blended according to the above procedure. Copies of the procedure are available from the AQB.
- 3) Gas Supplier Records. - For each batch blended, a record must be kept by the gas supplier as to the whereabouts of each bottle sold. These records must be made available to the Air Quality Board. The records must be kept for one year from the time the last bottle of the batch is sold to an AIR Program Station.
- 4) Batch Recall Procedure - In the event a batch of test gas is suspected a being out of the specifications listed in Section IV.H.1a. the AQB will follow the procedure below:
- a) The AQB will request the gas blender to locate all of the bottles from the batch.
  - b) A check to verify the cylinder concentration will be made.

**AIR QUALITY BOARD  
Rules and Regulations**

- c) If the batch is confirmed to be out of specifications, the gas supplier will be notified in writing. The gas supplier will have 14 days from the time of notification to provide the Air Program stations new bottles of test gas.
- d) The replacement test gas must be produced and undergo the same name verification and approval as specified above.
- e) A count of the recalled gas bottles and any bottles which were not located or recalled, for any reason, will be provided to the AQB. This information shall be provided to the AQB within 21 days of written notice.

**V. AIR PROGRAM STATION AND RETEST STATION OPERATION**

**A. General:**

- 1) No person shall in any manner represent any place as an AIR Program Station for the performance of emissions tests unless the station has obtained an AIR Program Station license.
- 2) No person shall in any manner represent any place as an AIR Program Retest Station for the performance of emissions tests unless the station has obtained an AIR Program Retest Station license.
- 3) No person shall perform an AIR Program vehicle exhaust emissions test unless he/she possesses a valid Emissions Technician's License.
- 4) The station is required to notify the AQB in writing five (5) days after employing an Emissions Technician.
- 5) The station is required to notify the AQB within five (5) days of terminating an Emissions Technician.
- 6) Noncompliance with any section of this document can be justification for denial, suspension or revocation of either the Station License, Emissions Technician's License or both.

**B. Verification of Exemption:**

- 1) Alternate Fuel Identification. AIR Program Stations are required to identify, at no charge, motor vehicles that do not have gasoline or diesel fueled engines. Vehicle owners may bring their motor vehicles to any AIR Program Station to have their vehicle identified. The licensed Emissions Technician will verify that the vehicle matches the information on the AQB notice form (if presented) and then the Technician will fill out a Alternative Powered Certification form, give one copy to the vehicle owner and keep the other copy until picked up by Air Quality Board personnel.
- 2) Vehicles of less than 1500 pounds gross vehicle weight. AIR Program Stations are required to use title/registration documents, technical descriptions, etc. to identify vehicles with a gross vehicle weight of less than 1500 pounds. When documentation is inconclusive, refer customer to the Air Quality Board.

**AIR QUALITY BOARD  
Rules and Regulations**

- 3) New, First Owner Vehicles. Vehicles in the current or preceding model year with less than 5,000 miles, or any vehicle which the owner can show proof is in its first year of use, should be exempted from testing. When new vehicles, as described above, are issued a notice that emissions testing is due, the licensed Emissions Technician will verify the vehicle is a new, first owner vehicle. The station will perform the verification at no charge and enter the verification in the analyzer. If unable to enter the data in the analyzer, "New Vehicle Exempt" forms may be used. The Air Quality Board's copy of the "New Vehicle Exempt" forms are to be held for pickup by AQB personnel.
- 4) Motorcycles, Farm Tractors, Classics and Idaho Old Timers. These vehicles should be exempted by Air Quality Board staff and should not receive notifications. If vehicle owners of these vehicles receive a notice of inspection, they should be referred to the Air Quality Board.

**C. Certificates of Compliance:**

- 1) General
  - a) No person shall willfully make, issue or knowingly use any imitation or counterfeit Certificate of Compliance that designates the motor vehicle complies with the AIR Program.
  - b) No person shall possess a Certificate of Compliance if he knows the same is counterfeit or was issued for another motor vehicle, or was issued without an emissions test having been made.
- 2) Purchase of Certificates of Compliance
  - a) Any person acquiring a business which has been licensed as an AIR Program Station or AIR Program Retest Station is prohibited from using the AIR Program Station License or AIR Program Retest Station License and is prohibited from using the BAR90 equipment to produce a Certificate of Compliance.
  - b) The act of performing an emissions test and issuing a Certificate of Compliance constitutes the purchase of the Certificate of Compliance from the Air Quality Board. Air Quality Board personnel will periodically collect test data from all authorized BAR 90 analyzers. The Air Quality Board will then bill stations for the number of certificates issued. Failure of a station to pay for Certificates of Compliance when charged is grounds for suspension of the station's license.
  - c) Payment for Certificates of Compliance is due ten (10) days from the billing date.
  - d) Certificates of Compliance cost \$2.00 each.

**D. Public Notices:**

- 1) Licensed AIR Program Stations and AIR Program Retest Stations shall post in a clearly legible fashion, in a conspicuous place inside the station:
  - a) Maximum fee chargeable for the emissions test;
  - b) Minimum expenditure required to qualify for waiver of emissions standards.

- c) Station license;
  - d) Each Emissions Technician's License certificate;
  - e) AIR Program motor vehicle model year emissions standards;
- 2) The station shall post in a clearly visible place outside the station the official program sign issued by the Air Quality Board. AIR Program Stations that limit the performance of Emissions Tests as described in Section IV.A.3.a through c, are not required to display the station sign along with the public notice signs listed in Section V.D.1.a through e above.
  - 3) Mobile stations must post in a visible place, either on a sign board or the body of the motor vehicle used to transport the analyzer and supplies, the notices in Section V.D.1 and 2 above.
- E. Record Keeping:** The BAR 90 tester maintains internal records of sufficient quality and redundancy to eliminate the need for additional record keeping by AIR Program Stations. Stations are only responsible for maintaining copies of Alternate Powered /New Vehicle Certifications and Waiver forms until collected by Air Quality Board personnel.
- F. Quality Control:** Quality control is the responsibility of the AIR Program Station. The BAR 90 analyzer is designed to require the accomplishment of certain quality control measures on a regular basis. Emissions inspections cannot be performed if these quality control measures are not accomplished.
- G. AIR Program Station Reporting:**
- 1) Vehicles tested during registration month: The AIR Program Station will keep all Alternate Powered /New Vehicle Certifications and Waiver forms until picked up by Air Quality Board personnel.
  - 2) Vehicles tested after their required inspection month: The AIR Program Station will keep all Alternate Powered /New Vehicle Certifications and Waiver forms until picked up by Air Quality Board personnel. In addition:
    - a) Individuals who have their vehicles tested after the required inspection month may be required to pay a late charge, established by the Air Quality Board. Thus far, no late charge penalty has been established. If the incidence of late inspections is great, this charge may be instituted to cover the increased workload caused by special handling required.
    - b) If late charges are imposed, the AIR Program Station shall collect the late charge when performing the emissions test. The AIR Program Station will be billed for all late tests accomplished.
- H. Violations and Penalties:**
- 1) The complete operation of an AIR Program Station or AIR Program Retest Station shall be the responsibility of the station owner. Failure to comply with the appropriate provisions of these Rules and Regulations adopted by the Air Quality Board or the provisions of the enabling county/city ordinances will be considered sufficient cause for warning, imposing fines, and/or

**AIR QUALITY BOARD  
Rules and Regulations**

suspension or revocation of inspection licenses for either the station, emissions technician or both.

- 2) Notice of Alleged Violation. If a violation of the enabling ordinances or these rules and regulations is detected or alleged, a Notice of Alleged Violation will be issued. Once a Notice of Alleged Violation is issued, the following procedures will be followed:
  - a) Notice issued to Emission Technician. The Executive Director of the AQB (or the Chief, Quality Assurance in the Director's absence) will convene a hearing panel within five work days to determine the validity of the accusations and, if validated, impose penalties. This panel will consist of at least three members, one of whom will be a licensed emissions technician or station owner. Rulings of this panel will be decided by majority vote of the members. Penalties, when appropriate, will be imposed immediately upon completion of hearing. Findings of this panel may be appealed to the full AQB at its next scheduled meeting.
  - b) Notice issued to AIR Program Station or AIR Program Retest Station. The Executive Director of the AQB (or the Chief, Quality Assurance in the Director's absence) will complete an investigation into the alleged violation within three work days. If the violation is validated, the Director or his representative will immediately impose appropriate penalties. Rulings by the Director may be appealed to the full AQB at its next scheduled meeting.
- 3) Penalties. Upon the determination of a violation of these Rules and Regulations or enabling ordinances, the Air Quality Board, or its designated representatives, may assess warnings, impose fines, and/or suspend or revoke the station and/or emissions technician licenses. The station owner/agent bears the burden of proving that proper supervision was provided so that the violation by employed emissions technician could have been prevented.
- 4) Application. Violation numbers 1.0 through and including 11.0 are of such serious nature that they jeopardize the integrity of the AIR Program. As such, penalties for these may be imposed without prior warning, either verbal or written. The following list of violations and penalties is a guideline. It is not mandatory that these guidelines be followed, however, in the interest of promoting a strong AIR program, it is highly recommended that penalties be enforced as shown.
- 5) Definitions:
  - a) Notice of Alleged Violation. Notice given to station or technician that a violation of enabling ordinances or rules and regulations is alleged and disciplinary action may result.
  - b) Warning. A written warning advising the AIR Program Station and/or licensed Emissions Technician of the violation and the corrective action to eliminate the violation. The original copy of the warning will be placed in the station's audit history file. A copy will also be delivered to the station and/or technician to whom the warning was issued.
  - c) Suspension. A specified period of time, during which the license of an AIR Program Station and/or Emissions Technician is withheld by the Air Quality Board. All official AQB documents and materials may be retained by the Air Quality Board until the suspension period is completed and any reapplication requirements are fulfilled.

**AIR QUALITY BOARD  
Rules and Regulations**

- d) Revocation. A permanent forfeiture of license and privileges as an AIR Program Station and/or Emissions Technician. All official documents and material will be confiscated by the AQB.
  - e) Notice of Suspension or Revocation. A written notification issued by the Air Quality Board or its agents indicating that there are sufficient grounds to require a license suspension or revocation subject to the right of appeal. The notice shall further specify the action being taken and its effective dates.
  - f) Fine. Monetary penalty imposed for violations of these Rules and Regulations.
- 6) Official documents and materials. Whenever an AIR Program Station, AIR Program Retest Station or Emission Technician License is suspended or revoked, the Air Quality Board or its agents may order the surrender to the Air Quality Board of the following items (as appropriate):
- a) Inspection records.
  - b) Air Station license and sign.
  - c) Unused AQB certificate of compliance.
  - d) Technician license
  - e) Blank data forms.
- 7) Subsequent violations. Determination of second or subsequent violations is made on the basis of previous violations in the same category within a three (3) year period.
- 8) Multiple violations. In the case of multiple violations considered at one time, the Air Quality Board or its agents will impose separate penalties for each violation. The Air Quality Board or its agents, at their discretion, may direct that suspensions run concurrently.
- 9) Voluntary discontinuance. An Air Station License shall be canceled by the Air Quality Board or its agents whenever the owner voluntarily discontinues the operation of an AIR Program Station. Remaining emission inspection materials shall be returned to the Air Quality Board or its agents immediately.
- 10) Abandonment. An Air Station License shall be canceled by the Air Quality Board or its agents, and inspection materials confiscated when the owner of record abandons the place of business and cannot be located within ninety (90) days.
- 11) Sale of business. If an AIR Program Station is sold or leased to a new owner, an application will not be considered while the station is suspended, or restored pending an appeal of suspension.
- 12) Confiscated materials. Certificates of compliance and records confiscated as the result of a suspension or revocation will be retained by the Air Quality Board or its agents. They shall be returned to the AIR Program Station if inspection privileges are restored or the station is relicensed.

**AIR QUALITY BOARD  
Rules and Regulations**

- 13) Remedial Training. Following any suspension, a licensed technician will not be allowed to return to emissions testing duties until he has successfully completed a remedial training course taught by the Air Quality Board or their designated representative.

**I. Reapplication:**

- 1) If an AIR Program Station, AIR Program Retest Station or Emissions Technician license expires during a suspension period, inspection privileges shall not be restored until an application and fees for relicensing have been received and reviewed by the Air Quality Board.
- 2) Following a suspension of three months or more, a complete and thorough investigation by quality assurance personnel will be conducted to determine if the applicant qualifies for relicensing under the requirements of the Air Quality Board. Other applications for relicensing are subject to investigation at the discretion of the Air Quality Board.

**J. Appeal for Hearing:**

- 1) Requests for an Air Quality Board hearing following a notice of suspension or revocation of license must be made in writing to the Air Quality Board within five (5) days of the date of the notice. The right to appeal and a hearing shall be considered relinquished if the request is not made within the above allotted time period.
- 2) Upon receipt of an appeal, a Hearing Committee consisting of at least three members will be selected from regular members of the Air Quality Board.
  - a) Notice of hearing will be furnished to the appellant in writing within five (5) working days of receipt of the request. The Hearing Committee will normally meet within five (5) working days of the notice, at which time the parties may present evidence, cross-examination or argument. The Hearing Committee, after considering all evidence, will determine if sufficient grounds for suspension or revocation exists, and if so, the Hearing Committee will evaluate the imposed penalty. The Hearing Committee shall have the authority to approve, amend, delete, or otherwise change the imposed penalty as they see fit. The decision of the Hearing Committee is final.
  - b) Notice of decision will be made to the appellant in writing within five (5) working days of the hearing. The notice will include the findings of fact that form the basis for the Hearing Committee's decision. A record of the hearing shall be maintained for a period of one year.
  - c) The Air Quality Board or its agents shall not be held liable for any loss of revenue as the result of a suspension or revocation.

**VI. EMISSIONS TEST PROCEDURE**

**A. General:**

- 1) The Emissions Test must be performed by a licensed Emissions Technician.
- 2) The Emissions Test must be performed at a licensed AIR Program Station or AIR Program Retest Station, as described in Section IV, and operated in accordance with procedures established in Section V, "Air Program Station Operation".

**AIR QUALITY BOARD  
Rules and Regulations**

- 3) The maximum amount a station may charge for the labor involved to inspect a vehicle is ten dollars (\$10.00).
- 4) Certificates of Compliance shall cost no more than two dollars (\$2.00).
- 5) The maximum test charge shall therefore be twelve dollars (\$12.00).
- 6) AIR Program Retest Stations can only test vehicles which have failed an emissions test at a licensed AIR Program Station.
- 7) AIR Program Retest Stations can only charge for Certificates of Compliance. (It may not charge the emissions test labor charge.)

**B. Applicability:** All nonexempt motor vehicles must be inspected annually on or before the end of its AIR Program required inspection month. The purpose of this inspection is to verify compliance with the emission standards established by the Air Quality Board and published in paragraph VI.D below. Non-exempt vehicles will have their required inspection month established as the second month following the month in which the vehicle is registered/re-registered. Once the AIR Program required inspection month is established, it will not normally be changed unless the vehicle registration is allowed to expire (in which case a new AIR Program required inspection month will be established when the vehicle is again re-registered as a non-exempt vehicle.) In cases where the inspection has been delayed more than six months, the inspection month will be changed to coincide with the most recent emissions test to avoid having to test the vehicle again in less than six months.

**C. Identification of Motor Vehicles Complying With the Automotive Inspection and Readjustment Program:** Motor vehicles that are required to comply with the AIR Program will be identified by review of Idaho Transportation Department motor vehicle registration records and tracked for compliance by the Air Quality Board. Vehicle owners will be given a Certificate of Compliance when their vehicle is emissions tested. It is recommended, though not required, that the owner keep the Certificate of Compliance with the vehicle as proof of compliance with emissions testing requirements.

**D. Standards:**

- 1) **Tampering:** Motor vehicles of the model years 1984 and newer are to be inspected for the presence of the catalytic converter, and air injection system. Motor vehicles which have had those systems removed or defeated are to be denied a Certificate of Compliance until the motor vehicle owner restores them to their original or operating condition. (The systems are not required to be installed on motor vehicles which at the time of production did not have the system installed by the manufacturer.) **WAIVERS UNDER SECTION VI.F. DO NOT APPLY.** However, the cost of repairs to vehicle emission systems may be included for waiver requirements for additional repairs after the tampered emissions system is fully functional.



2) Emissions Standards:

**LIGHT DUTY GASOLINE VEHICLES**

	CO	HC
Model Years 1965 to 1974	5.0%	900 ppm
Model Years 1975 to 1979	3.0%	700 ppm
Model Year 1980	1.5%	400 ppm
Model Years 1981 & Newer	1.2%	220 ppm

**HEAVY DUTY GASOLINE VEHICLES (over 8,500 lbs GVW)**

	CO	HC
Model Years 1965 to 1974	6.0%	900 ppm
Model Years 1975 to 1980	5.0%	700 ppm
Model Years 1981 & Newer	3.0%	500 ppm

**DIESEL**

	CO
Model Years 1965 to 1974	70%
Model Years 1975 to 1991	55%
Model Years 1991 & Newer	40%

**E. Emissions Test Procedure:**

1) General

- a) The inspections are to be performed at licensed AIR Program Station or AIR Program Retest Station by licensed Emissions Technician.
- b) Emissions test will be performed using the BAR 90 emissions test sequence. This is a menu driven, step by step procedure which insures proper procedures are followed. The 30 second preconditioning is intended to assure that the vehicle is warmed up, however, a cold vehicle may require additional warm-up for proper testing. If a vehicle engine appears to be cold, have the owner drive the vehicle around for 2 to 5 minutes to adequately warm up the engine.
- c) AIR Program Stations will record and charge the appropriate emissions test fee for all tests performed including vehicles failing visual checks.
- d) AIR Program Retest Stations cannot perform initial emissions tests on vehicles, i.e. they can only perform emissions tests on vehicles which have failed (either gas check or visual check) an emissions test at a licensed test only station.

2) First Test Procedure

**AIR QUALITY BOARD  
Rules and Regulations**

- a) Select the appropriate menu item to begin a certified emissions inspection and type in the identifying vehicle information.
- b) Follow the step by step test procedures established by the BAR 90 analyzer.
- c) If the motor vehicle is of the model year 1984 or newer a visual inspection will have to be performed. Open the motor vehicle hood and check for the presence and operation of the air injection system. Examine the exhaust system for the presence of the catalytic converter. If any of the systems have been tampered with, the inspection station will take the following actions:
  - i. Select "F" in the appropriate blank on the "visual inspection" screen during the test sequence.
  - ii. Complete the test, sign the printout from the analyzer and give it to the motor vehicle owner. (Stations may, at their option, keep a copy of the test data printout.) Inform the vehicle owner he/she has thirty (30) days to restore the emission systems to the original operating condition and comply with the AIR Program model year CO and/or HC standards. (If additional time is required, contact the AQB.)
- d) Complete the test in accordance with the computer directed test sequence. (If the exhaust pipe is baffled, a tailpipe probe extender at least 12 inches long must be inserted in the exhaust prior to the emissions test.)
- e) At the completion of the test sequence the analyzer will print a result of the test. The emissions technician will sign the printout and give it to the motor vehicle owner. If the vehicle fails the first test, the vehicle owner has thirty (30) days to perform or have performed adjustments/repairs. If the vehicle is brought back within the thirty (30) days, it must be given another emissions test without charging an additional labor charge. (The only additional charge allowed is the Certificate of Compliance fee for a completed test.)
- f) Should the motor vehicle owner wish to challenge the analyzer readings, the motor vehicle owner must notify the AQB within 72 hours. The Board will either immediately perform an audit of the analyzer or arrange for an audit in the presence of the motor vehicle owner, station representative and AQB auditor according to the procedure described in Section VII, "Air Station Audit Procedure".

**3) Repair Procedures**

- a) Vehicles exceeding the model year CO and/or HC standards have thirty (30) days to have adjustments and/or repairs performed and return for a free re-inspection at original place of inspection. Vehicle owners of vehicles which fail an emissions test will be given a list of AIR Program Retest Stations where the vehicle can be repaired and receive a free retest.
- b) Failed vehicles covered by 2 year/24,000 mile, Section 207(b) "Performance Warranty" provisions of the Federal Clean Air Act.
  - i. Vehicles covered by the 207(b) warranty should be repaired or adjusted by an authorized warranty repair facility to protect the entitlements granted by the motor

**AIR QUALITY BOARD  
Rules and Regulations**

vehicle warranty and to protect the motor vehicle owner from any charges that may be covered by the 207(b) warranty.

- ii. The only fees that the motor vehicle owner is required to pay are the maximum Emissions Test fee and the Certificate of Compliance fee as specified in paragraph VI.A.
  - iii. The warranty provisions of Section 207(b) of the Clean Air Act specify that the repairs or adjustments are to be performed at no cost to the vehicle owner and must lower the CO percentage emission level to the specified model year CO percentage standard.
- c) Failed motor vehicles covered by the 5 year/50,000 mile Section 207(a), "Defect Warranty Provisions" of the federal Clean Air Act.
- i. The motor vehicle owner may have to pay a diagnostic fee to identify faulty emissions control components in addition to the maximum Emissions Test fee and Certificate of Compliance fee as specified in paragraph VI.A. If the faulty component is covered under the 207(a) Warranty provision and the diagnosis was performed at an authorized warranty repair facility, the diagnosis fee is to be refunded or not charged to the motor vehicle owner.
  - ii. If the component(s) are not covered under the Section 207(a) warranty, the vehicle owner is required to have repairs or adjustments performed until either the vehicle is in compliance with emission standards or the repair costs have met or exceeded the maintenance waiver amounts shown in Section VI.F.
- d) Vehicles that fail the emissions standards and do not qualify for warranty repairs must receive repairs until either the vehicle is in compliance with inspection standards or the applicable waiver amount has been exceeded (see paragraph VI.F.).
- 4) Retest Procedures
- a) Test Only Station - re-analyze the motor vehicle's exhaust gas according to the procedures specified in Section VI.E.2, "First Test Procedures" except enter "xR" (where x= 1 to 9) for type of test instead of "I" for initial test and proceed according to the results of the retest as follows:
    - i. Vehicle passes retest. Sign test results and give copy to vehicle owner. Charge Certificate of Compliance fee.
    - ii. Vehicle fails retest and maintenance costs have exceeded maintenance waiver amount. Fill out the data blocks for Name, VIN and License on the Request for Waiver form and have the vehicle owner sign the form. Give the long copy of the form to the vehicle owner and hold the short copy until picked up by Air Quality Board personnel. Charge the vehicle owner for the completed test including the Certificate of Compliance fee. (The test data results page and Request for Waiver together comprise the Certificate of Compliance.)

**AIR QUALITY BOARD  
Rules and Regulations**

- iii. Vehicle fails retest but repair costs have not exceeded maintenance waiver amounts. The owner must seek additional repairs and adjustments and retest, however, the station is only required to give one free retest. DO NOT collect the Certificate of Compliance fee.
- b) Repair and Retest Station
  - i. Before performing any retest, be sure the vehicle has failed an emissions test at a licensed AIR Program "test only" station.
  - ii. After repairs have been performed, re-analyze the motor vehicle's exhaust in accordance with paragraph E.4.a. above.
  - iii. Do not charge for the emissions test itself. If the vehicle passes the retest or a waiver is granted collect the Certificate of Compliance fee and remit the fee to the AQB.

**F. Waiver of AIR Program Emission Standards:**

- 1) Any vehicle which fails to pass an emissions test must receive repairs in a sincere effort to fix whatever malfunction(s) are causing the high level(s) of pollutants. It is recognized that some mechanical problems may be difficult to diagnose and fix and that open ended, expensive repairs could pose a hardship. Therefore, provisions for granting a waiver of the AIR Program emission standards are established in the following paragraphs. In all cases where a waiver is granted, the Emissions Technician will explain to the vehicle owner that failure of the emissions test means the vehicle is not running properly, excess fuel is being burned, and, in the worst case, damage may occur to engine components.
- 2) Procedures
  - a) The owner of a vehicle which fails its emissions test must show proof that a minimum of \$150.00 has been spent on emissions related repairs subsequent to the failure of the emissions test.
  - b) A vehicle whose owner has spent in excess of the above amount in attempting to adjust and repair the emissions system of a vehicle qualifies for a waiver to the AIR Program emissions standards.
  - c) The Emissions Technician will fill out a Request for Waiver form and have the vehicle owner sign it. The vehicle owner will be given the long copy of the form (which explains the waiver policy) and the short copy will be held until picked up by Air Quality Board personnel.
  - d) The Emissions Technician will collect copies of receipts for parts and repairs which demonstrate that \$150.00 has been spent attempting to fix the vehicles problems. The copies of the receipts will be submitted to the Air Quality Board with the short copy of the Request for Waiver form.
- 3) A vehicle which has had its emissions system tampered with (parts missing or intentionally defeated) will not be granted a waiver under this paragraph unless the emissions equipment has been made fully functional. If, after repairing the tampered emissions equipment, the vehicle

**AIR QUALITY BOARD  
Rules and Regulations**

requires further repairs to be brought within emissions standards, the cost required to repair the emissions equipment can be considered for waiving further repairs.

- 4) All cases where the technician is uncertain as to whether the repairs qualify towards the waiver minimums should be referred to the Air Quality Board Quality Assurance office.
- 5) The intent of the waiver provisions of this section is to avoid financial hardship on vehicle owners who would otherwise have to spend excessive amounts in order to bring their vehicles into AIR Program compliance. If repairs required under this paragraph pose a financial hardship on a vehicle owner(s), the Air Quality Board shall have the authority to issue waivers without requiring the expenditure of the amounts listed in paragraph VI.F. 1 above. Such determination of hardship shall be made on a case-by-case basis by the Air Quality Board staff.
- 6) A waiver under this paragraph is only valid until the vehicle's next required inspection cycle.

## **VII. AIR PROGRAM STATION AUDIT PROCEDURE**

### **A. Applicability:**

- 1) Each AIR Program Station and AIR Program Retest Station is required to follow the Quality Control Procedures described in Section V.F. "Quality Control".
- 2) The AQB will perform a monthly audit of each AIR Program Station and AIR Program Retest Station to certify that the quality assurance procedures are being followed.
- 3) Should a test given by the station be challenged, the AQB will resolve the complaint using the procedure in paragraph B below.

### **B. Audit Procedure:**

- 1) Analyzer Audit - The Air Quality Board's auditor will review the current analyzer calibration data stored in the computer and may ask to observe the station's Emissions Technician perform a three day calibration and/or a leak check on the station's analyzer. The computer keeps a record of all calibrations done and these will be reviewed for any developing trends.
- 2) Emissions Test Audit Procedures
  - a) The Air Quality Board's auditor may, during the monthly station audit, observe one or all of the station's Emissions Technicians perform either the Automotive Emissions Procedure, First Test Procedure Section VI E.2. or the Retest Procedure Section VI E.4.
  - b) Should a vehicle owner request a challenge test, the Air Quality Board's auditor will arrange a time for performance of both the station Audit Procedure (Section VII B) and the Automotive Exhaust Emissions Test Audit. If it is determined that the station's analyzer is out of calibration or if the exhaust emission analysis was not performed in accordance with the requirements of Section VI, the station will be required to refund to the vehicle owner any collected moneys and have the analyzer repaired or the procedure corrected. A summary report describing the result of the challenge test and audits along with the audit checklist will be prepared for AQB review.

## **Appendix B-3**

### **Enforceable Regulations – Local Ordinances Requiring Emissions Testing**

## **ADA COUNTY**

### **6-1-3: MOTOR VEHICLE EMISSIONS CONTROL**

#### **6-1-3-1: SHORT TITLE**

This section 6-1-3 may be cited as the 1999 MOTOR VEHICLE EMISSIONS CONTROL ORDINANCE.

(Ord. 130, 8-28-1984; amd. Ord. 145, 2-18-1985; amd. Ord. 206, 8-10-1989; amd. Ord. 228, 11-29-1990, eff. 1-1-1991; amd. Ord. 374, 6-15-1999)

#### **6-1-3-2: LEGISLATIVE FINDINGS AND PURPOSE OF ORDINANCE**

It is found and declared that exhaust emissions from motor vehicles are a major source of air pollution throughout Ada County and such air pollution is a health hazard to all residents of the county and its incorporated cities;

It is further found and declared that an effective system of periodic motor vehicle inspection and maintenance will reduce the level of vehicular-based air pollution;

It is further found and declared that the federal government has mandated to the several states and local entities the ultimate responsibility for periodic motor vehicle inspection and maintenance;

It is further found and declared that Ada County has been designated as a nonattainment area for both carbon monoxide and small particulate matter (PM10) and as such is mandated under the federal clean air act to reduce emissions so that the national ambient air quality standards will be attained and maintained;

It is further found and declared that Ada County and its incorporated cities will be monitored for PM2.5 and ozone in the immediate future, and that the primary source of both of these pollutants in Ada County is exhaust emissions from motor vehicles;

It is further found and declared that fuel economy is a legitimate legislative purpose and that an efficient emissions control program will result in motor vehicle fuel savings for the residents of Ada County and its incorporated cities;

It is further found and declared that Ada County and its incorporated cities are duly authorized to enact and enforce this section 6-1-3 under Idaho Code section 31-714;

The purposes of this section 6-1-3, therefore, are to protect the health and welfare of the citizens of Ada County and its incorporated cities, to provide for the continued control and management of exhaust emissions above certain levels as determined by the federal clean air act, as amended, as well as rules for the control of air pollution in the state of Idaho (IDAPA 16.01.01, et seq.), and to empower the air quality board to design and

implement required periodic inspection of certain motor vehicles. (Ord. 130, 8-28-1984; amd. Ord. 145, 2-18-1985; amd. Ord. 206, 8-10-1989; amd. Ord. 228, 11-29-1990, eff. 1-1-1991; amd. Ord. 374, 6-15-1999)

### **6-1-3-3: DEFINITIONS:**

**AUTOMOTIVE INSPECTION PROGRAM:** That program established by the board in accordance with this section 6-1-3 and whose purpose is to implement the requirements of this section 6-1-3.

**AUTOMOTIVE INSPECTION STATION:** A facility licensed in accordance with board specifications or operating under a contract with the board for the purpose of performing exhaust emissions inspections.

**BOARD:** The air quality board, chartered under the automotive inspection and readjustment program joint powers agreement and this section 6-1-3.

**CARBON MONOXIDE (CO):** An inorganic chemical compound containing one atom of carbon and one atom of oxygen.

**CERTIFICATE OF COMPLIANCE:** A board-approved certificate verifying that the motor vehicle described thereon is in compliance with the requirements of this section 6-1-3 and the rules and regulations adopted pursuant to this section 6-1-3.

**EMISSIONS INSPECTION MECHANIC:** An individual who performs exhaust emissions inspections on behalf of the board in compliance with a formal written agreement with the board.

**EMISSIONS REPAIR MECHANIC:** An individual who performs exhaust emissions repairs to motor vehicles on behalf of the board in compliance with a formal written agreement with the board.

**EXHAUST ANALYZER:** A device for calculating the proportion of various gases, vapors and particles present in the exhaust emissions of a motor vehicle, specifically including carbon monoxide, hydrocarbon, oxides of nitrogen, sulfur dioxide, volatile organic compounds and any other gases, vapors and particles as required by the board.

**EXHAUST EMISSIONS:** Substances emitted into the atmosphere from any opening downstream of the exhaust port(s) of any motor vehicle engine.

**EXHAUST EMISSIONS CONTROL DEVICE:** Equipment designed by the manufacturer for installation on a motor vehicle for the purpose of reducing pollutants emitted from the motor vehicle, or a system or engine modification of a vehicle which causes a reduction of pollutants emitted from the motor vehicle, as required by federal law.



**EXHAUST EMISSIONS INSPECTION AND EXHAUST EMISSIONS**

**REINSPECTION:** That test, performed at an automotive station or a repair and reinspection station by an emissions inspection mechanic, which determines whether a motor vehicle's exhaust emissions meet or do not meet applicable pass-adjust.

**FINE PARTICULATE MATTER (PM<sub>2.5</sub>):** All particulate matter, including condensable particulates, with an aerodynamic diameter of less than or equal to a nominal two and one-half (2.5) micrometers.

**GROSS VEHICLE WEIGHT:** The weight in pounds of a fully fueled empty motor vehicle plus any additional carrying capacity specified by the vehicle manufacturer.

**HYDROCARBON (HC):** An organic compound consisting exclusively of the elements carbon and hydrogen.

**INSPECTION PERIOD:** That period, determined according to applicable rules and regulations, during which a nonexempt motor vehicle is scheduled to be presented for an exhaust emissions inspection.

**JOINT POWERS AGREEMENT:** That agreement entered into pursuant to the joint powers provisions of Idaho Code chapter 23, title 67, among and between the incorporated cities of Ada County, the county of Ada, and the Ada County highway district, which creates the board.

**MODEL YEAR:** The year of origin of a motor vehicle so designated by that vehicle's certificate of registration filed with the Idaho department of transportation.

**MOTOR VEHICLE:** Any self-propelled motor vehicle with four (4) or more wheels in contact with the ground.

**MOTOR VEHICLE OWNER:** An individual, partnership, firm, public, private, or municipal corporation, association, trust, estate, agency, lessee, political subdivision of the state of Idaho or the government of the United States or any other legal entity or their legal representatives, agents or assigns whose name appears as owner of a motor vehicle on its certificate of registration.

**NATIONAL AMBIENT AIR QUALITY STANDARDS (NAAQS):** Standards developed by the U.S. environmental protection agency in accordance with its responsibilities under the federal clean air act, as amended, and its implementing regulations.

**NONEXEMPT MOTOR VEHICLE:** A motor vehicle which is subject to the automotive inspection program and its exhaust emissions inspections.

**OXIDES OF NITROGEN (NO<sub>x</sub>):** A group of chemical compounds formed by the combination of oxygen and nitrogen.

OZONE (O<sub>3</sub>): A molecule composed of three (3) atoms of oxygen.

PARTICULATE MATTER (PM<sub>10</sub>): All particulate matter, including condensable particulates, with an aerodynamic diameter of less than or equal to a nominal ten (10) micrometers.

PASS-ADJUST CRITERIA: Those standards set forth in the rules and regulations adopted by the board pursuant to this section 6-1-3 which specify the maximum allowable components which may exist in exhaust emissions of a nonexempt motor vehicle.

PUBLIC NOTICE: A statement of the board's intent to modify the rules and regulations, including a summary of the proposed modifications, published in at least one newspaper of general circulation within Ada County, posted at the offices of the air quality board, and mailed to all participants in the joint powers agreement and all automotive inspection stations.

REPAIR AND REINSPECTION STATION: A facility licensed in accordance with board specifications or operating under a contract with the board for the purpose of repairing nonexempt motor vehicles which have failed an exhaust emissions inspection and to perform a reinspection of exhaust emissions in a manner specified by the board.

RULES AND REGULATIONS: Specific written provisions governing the automotive inspection program, as adopted and amended by the board from time to time.

SULFUR DIOXIDE (SO<sub>2</sub>): A chemical compound consisting exclusively of the elements sulfur and oxygen.

TAMPERING: Removal of or rendering wholly or partially inoperative an exhaust emissions control device, including, but not limited to, the catalytic converter, air injection system, fuel inlet restrictor or other subsequent systems and devices designed and installed to reduce exhaust emissions.

VOLATILE ORGANIC COMPOUND (VOC): Any organic compound which readily evaporates in the atmosphere and, through its participation in atmospheric photochemical reactions, contributes to the formation of ozone. (Ord. 130, 8-28-1984; amd. Ord. 145, 12-18-1985; amd. Ord. 168, 8-24-1987; amd. Ord. 228, 11-29-1990, eff. 1-1-1991; amd. Ord. 374, 6-15-1999)

**6-1-3-4: CREATION OF AN INSPECTION-MAINTENANCE PROGRAM:**

A. An air quality board is hereby created pursuant to the joint powers provisions of Idaho Code chapter 23, title 67 in a joint powers agreement executed by the participating public agencies. The composition and organization of the board shall be as set forth in the joint powers agreement.

- B. The board shall design and implement an automotive inspection program for the mandatory exhaust emissions analysis, inspection, maintenance and repair of nonexempt motor vehicles to ensure continued compliance with national ambient air quality standards and in accordance with applicable rules and regulations of the U.S. environmental protection agency, the state of Idaho division of environmental quality and the Ada planning association board.
- C. The exhaust emissions of each nonexempt motor vehicle will be measured and evaluated periodically and the owner of any such vehicle is required to present the vehicle at an automotive inspection station for an exhaust emissions inspection unless specifically exempted from this requirement by the board or by this section 6-1-3. Failure to do so within the inspection period constitutes prima facie evidence of a violation of this section 6-1-3. The frequency and timing of the inspection period will be determined by the board.
- D. The owner of a nonexempt motor vehicle which passes an exhaust emissions inspection as provided herein shall be presented with a certificate of compliance. The owner shall maintain the certificate in a place and manner specified by the board in the rules and regulations and present it to the board or other authority upon demand. Failure to do so constitutes prima facie evidence of a violation of this section 6-1-3.
- E. A motor vehicle is classified as a nonexempt motor vehicle if all of the following are true:
1. The certificate of registration has "ADA COUNTY" entered upon it as the county of residence or would be required to have "ADA COUNTY" entered upon it as the county of residence pursuant to Idaho Code section 49-401B;
  2. The gross vehicle weight equals or exceeds one thousand five hundred (1,500) pounds; and
  3. The model year is 1965 or newer.
- F. The following are hereby specifically exempted from compliance with the automotive inspection program, subject to verification in a manner specified by the board and included in the rules and regulations:
1. Motorcycles as defined in Idaho Code section 40-114;
  2. "Idaho Old Timers" as defined in Idaho Code section 49-406;
  3. Farm tractors as defined in Idaho Code section 49-107;
  4. Motor vehicles registered under the prorated registration provisions of Idaho Code section 49-437 for a period of less than six (6)

5. Idaho classic vehicles as defined in Idaho Code section 49-406A;
  6. Motor vehicles for which an alternate fuel type has been established according to rules and regulations adopted by the board; and
  7. Such other motor vehicles as may be exempted by rules and regulations adopted by the board.
- G. An exhaust emissions inspection may only be performed by and in a manner consistent with rules and regulations adopted by the board. An exhaust emissions inspection shall include all of the following:
1. A measurement of exhaust emissions using an approved exhaust analyzer or other procedure or device approved by the board to sample the motor vehicle's exhaust emissions, specifically including carbon monoxide and hydrocarbon content of the exhaust emissions and any other gases, vapors and particles as adopted by the board to comply with the purposes of this section 6-1-3 as expressed in section 6-1-3-2 of this chapter; and
  2. A determination as to whether exhaust emissions meet the pass-adjust criteria; and
  3. A visual inspection, for model year 1984 and newer, to verify presence of the catalytic converter, air injection system, size of the fuel restrictor and any other visual inspection component(s) specified by the board in the rules and regulations; and
  4. Any other inspection adopted by the board in the rules and regulations; and
  5. Where exhaust emissions do not meet the pass-adjust criteria, an indication to a motor vehicle owner of the repair and reinspection provisions of the automotive inspection program.
- H. It is the responsibility of the owner of a nonexempt motor vehicle which was found not to comply with the pass-adjust criteria to have the motor vehicle brought into compliance at the owner's expense and to have it reinspected within ten (10) calendar days of the failed exhaust emissions inspection according to procedures and criteria established by the board and included in the rules and regulations.
- I. Each nonexempt motor vehicle shall bear a share of the cost of the automotive inspection program regardless of whether the board elects to waive one or more exhaust emissions inspections for that vehicle. The motor vehicle owner for each nonexempt motor vehicle is required to submit payment to the board or other authorized representative under terms and conditions specified in the rules and regulations.

- J. An emissions inspection mechanic who performs an exhaust emissions inspection on a motor vehicle shall, when the motor vehicle is found to comply with the pass-adjust criteria, immediately issue a certificate of compliance in accordance with procedures adopted by the board in the rules and regulations. The certificate of compliance will expire on the last day of the next inspection period for that motor vehicle. (Ord. 130, 8-28-1984; amd. Ord. 145, 12-18-1985; amd. Ord. 168, 8-24-1987; amd. Ord. 228, 11-29-1990, eff. 1-1-1991; amd. Ord. 374, 6-15-1999)

**6-1-3-5: DUTIES AND POWERS OF THE BOARD:**

- A. The board shall conduct regular monthly meetings at such time and place as the board shall determine. Meetings are open to the public.
- B. The board, in accordance with the criteria expressed herein, shall adopt rules and regulations for the implementation and operation of the automotive inspection program and amend those rules and regulations from time to time as it deems necessary. Rules and regulations and amendments to same may only be adopted at an air quality board meeting with a minimum of fourteen (14) days' public notice of the board's intent to amend the rules and regulations.
- C. Rules and regulations shall include, but not be limited to, the following:
1. Determining Exempt, Nonexempt Status: Procedures for determining the exempt or nonexempt status of any motor vehicle and releasing exempt motor vehicles from further compliance with the automotive inspection program.
  2. Inspection Period: Procedures for establishing the inspection period for a nonexempt motor vehicle;
  3. Structure Of Program: Structure of the automotive inspection program, specifically including whether repairs and adjustments to motor vehicles failing to comply with the pass-adjust criteria may or may not be made by emissions inspection mechanics who perform the original exhaust emissions inspection;
  4. Licensing, Contracting Procedures: Procedures for licensing or contracting for automotive inspection stations, repair and reinspection stations, emissions inspection mechanics and emissions repair mechanics and for the potential termination thereof;
  5. Pass-Adjust Criteria: Pass-adjust criteria for all nonexempt motor vehicles;

6. Nature And Display Of Certificates: Nature and display of certificates of compliance on nonexempt motor vehicles which successfully comply with the pass-adjust criteria;
7. Exhaust Analyzer Specifications: Specifications for approved exhaust analyzers or other emissions measurement devices or systems;
8. Determination Of Fee: Procedures by which the fee to be charged each motor vehicle owner for each nonexempt motor vehicle is determined, or, alternatively, the fee itself;
9. Waiver: Circumstances under which a waiver may be granted to exempt a nonexempt motor vehicle from the provisions of this section 6-1-3, either temporarily or permanently;
10. Noncomplying Vehicles: Minimum effort(s) which will be required of the owner of a nonexempt motor vehicle which fails to comply with the pass-adjust criteria in order to bring the failing vehicle into compliance with the pass-adjust criteria, as well as procedures by which such minimum effort provisions may be amended from time to time. This effort shall generally be the minimum necessary to accommodate typical repair and reinspection needs and may be different for different model years;
11. Cost Of A Certificate Of Compliance: This shall be the minimum necessary to provide for the ongoing operation, administration, maintenance and enforcement of the automotive inspection program and shall not exceed four dollars (\$4.00) without concurrence of all parties to the joint powers agreement;
12. Processing Fee: The processing fee which may be assessed upon owners of nonexempt motor vehicles who fail to present their nonexempt motor vehicle for inspection within the inspection period and the procedure by which this fee is established. This fee shall be sufficient to recover costs of processing notices of violation for all nonexempt motor vehicles which do not comply with the provisions of this section 6-1-3 within the inspection period;
13. Contracting And Licensing Procedures: Procedures governing the contracting for or licensing of automotive inspection stations, repair and reinspection stations and emissions inspection mechanics and the suspension, revocation, or termination of those contracts or licenses when appropriate;
14. Schedules And Deadlines For Data: Schedules and deadlines for the flow of data, paperwork and information pertaining to exhaust emissions inspections among automotive inspection stations, repair and reinspection stations, exhaust emissions mechanics and the automotive inspection program staff; and
15. Other Matters: Any other matters deemed to be within the authority of the board.

- D. The board may, at its discretion, employ the full power and authority of law to ensure that motor vehicle owners comply fully and completely with Idaho Code section 49-401B, specifically including correct designation of the county of residence as provided therein.
- E. The board shall conduct an ongoing quality assurance program to determine that all automotive inspection stations, repair and reinspection stations and exhaust emission mechanics perform automotive inspection program tasks in conformance with the adopted rules and regulations.
- F. The board or its authorized representative, upon written notice and an opportunity for a hearing, may suspend, revoke and/or require the surrender and forfeiture of any license granted by the board which is not utilized in accordance with this section 6-1-3 or the rules and regulations. The procedure and grounds for suspension or revocation shall be set forth in the rules and regulations and shall comply with current Idaho law.
- G. The board shall have the authority to undertake any additional actions reasonably necessary to the operation of the automotive inspection program, including, but not limited to:
  - 1. Employing necessary staff;
  - 2. Executing necessary contracts and documents;
  - 3. Authorizing deposits into and expenditures from the motor vehicle emissions inspection fund;
  - 4. Acquiring and disposing of personal property;
  - 5. Establishing an annual budget for the automotive inspection program;
  - 6. Operating the automotive inspection program in accordance with standard fiscal practice; and
  - 7. Providing for an annual audit of both financial and management practices of the automotive inspection program.
- H. The board shall conduct ongoing evaluations of the automotive inspection program sufficient to satisfy requirements of the U.S. environmental protection agency, the Ada planning association board and other applicable rules and statutes. (Ord. 130, 8-28-1984; amd. Ord. 145, 12-18-1985; amd. Ord. 168, 8-24-1987; amd. Ord. 228, 11-29-1990, eff. 1-1-1991; amd. Ord. 374, 6-15-1999)

**6-1-3-6: FINANCING:**

- A. There is hereby established a motor vehicle emissions inspection fund which shall consist of the following:
  - 1. Money appropriated thereto by the board or any local entity;
  - 2. Money remitted by automotive inspection stations and repair and reinspection stations which is collected as fees;
  - 3. Money received by the board from private grants or donations;
  - 4. Money received by the board from processing fees assessed to owners of nonexempt motor vehicles who do not present their vehicle for an exhaust emissions inspection during the inspection period;
  - 5. Federal or state funds received by the board for the automotive inspection program; and
  - 6. Any other funds received by the board from any source.
- B. Monies in the motor vehicle emissions inspection fund may be used to pay all costs incurred by the board in administering any aspect of the automotive inspection program.
- C. The board shall appropriate and budget on a fiscal year basis, indicating expenditures to be made in implementing and administering the automotive inspection program and sources of income to be used for such expenditures. (Ord. 130, 8-28-1984; amd. Ord. 145, 12-18-1985; amd. Ord. 168, 8-24-1987; amd. Ord. 228, 11-29-1990, eff. 1-1-1991; amd. Ord. 374, 6-15-1999)

**6-1-3-7: INSPECTION CRITERIA AND COSTS:**

- A. A nonexempt motor vehicle's exhaust emissions must be less than or equal to the approved pass-adjust criteria in order for a certificate of compliance to be issued without further repair, adjustment or testing.
- B. Nonexempt motor vehicles of the model year 1984 and newer must have a fully operational catalytic converter, air injection system, fuel restrictor and any other component(s), devices or systems specified by the board in the rules and regulations. The owner of a nonexempt motor vehicle is required to see that these systems are fully operational. An exhaust emissions inspection will not be performed on any



vehicle on which one or more of these components have been subject to tampering. The owner of any nonexempt motor vehicle which has been subject to tampering must bring all components into compliance and have the vehicle inspected within the inspection period.

- C. A certificate of compliance may be issued by an emissions inspection mechanic who personally has performed an exhaust emissions inspection and found the nonexempt motor vehicle to be in full compliance with the automotive inspection program or by an emissions repair mechanic who has personally performed repairs and adjustments to a motor vehicle which bring such vehicle into full compliance with the automotive inspection program or by the board.
- D. No person shall represent himself or herself as an emissions inspection mechanic unless he or she has a current license issued by the board or is operating under a current contract with the board.
- E. No person shall demand or collect a fee for the exhaust emissions inspection of a nonexempt motor vehicle unless authorized by this section 6-1-3. (Ord. 130, 8-28-1984; amd. Ord. 145, 12-18-1985; amd. Ord. 168, 8-24-1987; amd. Ord. 228, 11-29-1990, eff. 1-1-1991; amd. Ord. 374, 6-15-1999)

**6-1-3-8: ACQUISITION OF PROPERTY; CERTIFICATES PROPERTY OF BOARD:**

- A. The board may acquire by purchase, donation, dedication, or other lawful means any special equipment, tools, materials or facilities needed to adequately administer, investigate or enforce the provisions of this section 6-1-3 or the rules and regulations adopted pursuant hereto, provided, however, any acquisition made by the board shall comply with all statutory requirements imposed upon the county of Ada for the purpose of receipt of property.
- B. All certificates of compliance are the property of the board until such time as they are issued to properly inspected motor vehicles. (Ord. 130, 8-28-1984; amd. Ord. 145, 12-18-1985; amd. Ord. 228, 11-29-1990, eff. 1-1-1991; amd. Ord. 374, 6-15-1999)

**6-1-3-9: FALSIFICATION OF CERTIFICATES:**

- A. No person shall wilfully make, issue, display, sell or possess any imitation, counterfeit, or alteration of a certificate of compliance. Such activities so constitute prima facie evidence of a violation of this section 6-1-3.
- B. No person shall display upon nor carry within any nonexempt motor vehicle a certificate of compliance knowing it to be issued without compliance with this section 6-1-3. Such activities so constitute prima facie evidence of a violation of this section

6-1-3. (Ord. 130, 8-28-1984; amd. Ord. 145, 12-18-1985; amd. Ord. 228, 11-29-1990, eff. 1-1-1991; amd. Ord. 374, 6-15-1999)

**6-1-3-10: ENFORCEMENT:**

Any owner who fails to present a nonexempt motor vehicle for an exhaust emissions inspection during the inspection period is in violation of this section 6-1-3 and will be subject to a board processing fee and any and all other enforcement mechanisms available through Idaho Code (including, but not limited to, the provisions of Idaho Code section 4-202(12)(9)), this section 6-1-3, and other applicable municipal or county ordinances. Nothing in this section 6-1-3 shall be construed to prevent the board from requesting or utilizing any and all enforcement mechanisms granted by law. (Ord. 130, 8-28-1984; amd. Ord. 145, 12-18-1985; amd. Ord. 228, 11-29-1990, eff. 1-1-1991; amd. Ord. 374, 6-15-1999)

**6-1-3-11: PENALTIES:**

- A. Any person who violates any provision of this section 6-1-3 shall be deemed guilty of an infraction and, upon judgment thereof, shall be subject to the penalties set forth in Idaho infraction rule 9(b), (other infractions). Failure to satisfy judgment as ordered by the court pursuant to this section 6-1-3 shall be deemed in contempt of court punishable as a misdemeanor pursuant to Idaho Code section 18-1801.
- B. In addition to the penalties set forth in subsection A of this section, pursuant to Idaho Code section 49-202(12)(g), a motor vehicle subject to emissions inspection as required by this section 6-1-3, which has not been inspected, shall have its registration revoked. The owner of such vehicle shall be subject to the misdemeanor penalty provisions of Idaho Code section 49-236 for violation of the registration and inspections requirements. (Ord. 130, 8-28-1984; amd. Ord. 145, 12-18-1985; amd. Ord. 206, 8-10-1989; amd. Ord. 374, 6-15-1999)

**6-1-3-12: EFFECTIVE DATES:**

This section 6-1-3 shall be effective upon publication. (Ord. 130, 8-28-1984; amd. Ord. 145, 12-18-1985; amd. Ord. 206, 8-10-1989; amd. Ord. 228, 11-29-1990, eff. 1-1-1991; amd. Ord. 228-1-95, 12-26-1995; amd. Ord. 322, 12-17-1996; amd. Ord. 350, 12-23-1997; amd. Ord. 372, 5-25-1999; amd. Ord. 374, 6-15-1999)

**6-1-3-13: SEVERABILITY:**

If any section, sentence, clause, word or phrase of this section 6-1-3 is for any reason held to be unconstitutional or otherwise invalid or unenforceable by any court of competent jurisdiction, such shall not affect the validity and enforceability of the remaining portions of this section 6-1-3, all of which shall remain in full force and effect. (Ord. 374, 6-15-1999)

**6-1-4: AIR COMPRESSION BRAKES:**

- A. Use Of Air Compression Brakes Prohibited: The use of air compression brakes (also known as "jake brakes") by vehicles or trucks, as defined in Idaho Code title 49, chapter 1, within unincorporated Ada County is hereby prohibited and shall be unlawful, except under emergency circumstances where the use of air compression brakes is necessary to prevent an accident or injury to persons or property.
- B. Penalties: Any person who violates any provision of this section shall be deemed guilty of an infraction and upon judgment thereof shall be subject to the penalty set forth in Idaho infraction rule 9(b) (other infractions). Failure to satisfy judgment as ordered by the court pursuant to this section shall be deemed contempt of court punishable as a misdemeanor pursuant to Idaho Code section 18-1801. (Ord. 349, 11-18-1997)

## **CITY OF BOISE**

### **Chapter 8-13**

#### **MOTOR VEHICLE EMISSIONS CONTROL**

Sections:

8-13-01 SHORT TITLE

8-13-02 LEGISLATIVE FINDINGS AND PURPOSE OF ORDINANCE

8-13-03 DEFINITIONS

8-13-04 CREATION OF AN INSPECTION-MAINTENANCE PROGRAM

8-13-05 DUTIES AND POWERS OF THE BOARD

8-13-06 FINANCING

8-13-07 INSPECTION CRITERIA AND COSTS

8-13-08 ACQUISITION OF PROPERTY; CERTIFICATES PROPERTY OF BOARD

8-13-09 FALSIFICATION OF CERTIFICATES

8-13-10 ENFORCEMENT

8-13-11 PENALTIES

8-13-12 EFFECTIVE DATES

8-13-13 SEVERABILITY

#### **Section 8-13-01 SHORT TITLE**

This Ordinance may be cited as The 1999 Motor Vehicle Emissions Control Ordinance.  
(5925, Amended, 07/20/1999; 5831, Amended, 01/20/1998)

#### **Section 8-13-02 LEGISLATIVE FINDINGS AND PURPOSE OF ORDINANCE**

A. It is found and declared that exhaust emissions from Motor Vehicles are a major source of air pollution throughout Ada County and such air pollution is a health hazard to all residents of the County and its incorporated cities;

B. It is further found and declared that an effective system of periodic motor vehicle inspection and maintenance will reduce the level of vehicular-based air pollution;

C. It is further found and declared that the federal government has mandated to the several states and local entities the ultimate responsibility for periodic motor vehicle inspection and maintenance;

D. It is further found and declared that Ada County has been designated as a non-attainment area for both carbon monoxide and small particulate matter (PM10) and as such is mandated under the Federal Clean Air Act to reduce emissions so that the National Ambient Air Quality Standards will be attained and maintained;

E. It is further found and declared that Ada County and its incorporated cities will be monitored for PM2.5 and ozone in the immediate future, and that the primary source of both of these pollutants in Ada County is exhaust emissions from motor vehicles;

F. It is further found and declared that fuel economy is a legitimate legislative purpose and Boise Municipal Code that an efficient emissions control program will result in motor vehicle fuel savings for the residents of Ada County and its incorporated cities;

G. It is further found and declared that Ada County and its incorporated cities are duly authorized to enact and enforce this Ordinance under Idaho Code §31-714 and §50-302, respectively;

H. The purposes of this Ordinance, therefore, are to protect the health and welfare of the citizens of Ada County and its incorporated cities, to provide for the continued control and management of exhaust emissions above certain levels as determined by the Federal Clean Air Act, as amended, as well as Rules for the Control of Air Pollution in the State of Idaho (IDAPA 16.01.01, et seq), and to empower the Air Quality Board to design and implement required periodic inspection of certain motor vehicles in order to comply with the Federal Clean Air Act, as amended.

(Ord. No. 5661, Amended, 09/26/95)

(5925, Amended, 07/20/1999; 5831, Amended, 01/20/1998)

### **Section 8-13-03 DEFINITIONS**

A. AUTOMOTIVE INSPECTION PROGRAM: That program established by the Board in accordance with this Ordinance and whose purpose is to implement the requirements of this Ordinance.

B. AUTOMOTIVE INSPECTION STATION: A facility licensed in accordance with Board specifications or operating under a contract with the Board for the purpose of performing Exhaust Emissions Inspections.

C. BOARD: The Air Quality Board, chartered under the Automotive Inspection and Readjustment Program Joint Powers Agreement and this Ordinance.

D. CARBON MONOXIDE (CO): An inorganic chemical compound containing one atom of carbon and one atom of oxygen.

E. CERTIFICATE OF COMPLIANCE: A Board-approved certificate verifying that the Motor Vehicle described thereon is in compliance with the requirements of this Ordinance and the Rules and Regulations adopted pursuant to this Ordinance.

F. EMISSIONS INSPECTION MECHANIC: An individual who performs Exhaust Emissions Inspections on behalf of the Board in compliance with a formal written agreement with the Board.

G. EMISSIONS REPAIR MECHANIC: An individual who performs exhaust emissions repairs to Motor Vehicles on behalf of the Board in compliance with a formal written agreement with the Board.

H. EXHAUST ANALYZER: A device for calculating the proportion of various gases, vapors and particles present in the Exhaust Emissions of a Motor Vehicle, specifically Boise Municipal Code including Carbon Monoxide, Hydrocarbon, Oxides of Nitrogen, Sulfur Dioxide, Volatile Organic Compounds and any other gases, vapors and particles as required by the Board.

I. EXHAUST EMISSIONS: Substances emitted into the atmosphere from any opening downstream of the exhaust port(s) of any Motor Vehicle engine.

J. EXHAUST EMISSIONS CONTROL DEVICE: Equipment designed by the manufacturer for installation on a Motor Vehicle for the purpose of reducing pollutants emitted from the Motor

Vehicle, or a system or engine modification of a vehicle which causes a reduction of pollutants emitted from the Motor Vehicle, as required by federal law.

**K. EXHAUST EMISSIONS INSPECTION AND EXHAUST EMISSIONS RE- INSPECTION:** That test, performed at an Automotive Inspection Station or a Repair and Re-Inspection Station by an Emissions Inspection Mechanic, which determines whether a Motor Vehicle's Exhaust Emissions meet or do not meet applicable Pass-Adjust Criteria.

**L. FINE PARTICULATE MATTER (PM<sub>2.5</sub>):** All particulate matter, including condensable particulates, with an aerodynamic diameter of less than or equal to a nominal two and one half (2.5) micrometers.

**M. GROSS VEHICLE WEIGHT:** The weight in pounds of a fully-fueled empty Motor Vehicle plus any additional carrying capacity specified by the vehicle manufacturer.

**N. HYDROCARBON (HC):** An organic compound consisting exclusively of the elements carbon and hydrogen.

**O. INSPECTION PERIOD:** That period, determined according to applicable Rules and Regulations, during which a Non-Exempt Motor Vehicle is scheduled to be presented for an Exhaust Emissions Inspection.

**P. JOINT POWERS AGREEMENT:** That agreement entered into pursuant to the joint powers provisions of Idaho Code Chapter 23 Title 67, among and between the incorporated cities of Ada County, the County of Ada, and the Ada County Highway District, which creates the Board.

**Q. MODEL YEAR:** The year of origin of a Motor Vehicle so designated by that vehicle's Certificate of Registration filed with the Idaho Department of Transportation.

**R. MOTOR VEHICLE:** Any self-propelled Motor Vehicle with four or more wheels in contact with the ground.

**S. MOTOR VEHICLE OWNER:** An individual, partnership, firm, public, private, or municipal corporation, association, trust, estate, agency, lessee, political subdivision of the State of Idaho or the Government of the United States or any other legal entity or their legal representatives, agents or assigns whose name appears as owner of a Motor Vehicle on its Certificate of Registration.

**T. NATIONAL AMBIENT AIR QUALITY STANDARDS (NAAQS):** Standards developed by the U.S. Environmental Protection Agency in accordance with its responsibilities under the Federal Clean Air Act, as amended, and its implementing regulations.

**U. NON-EXEMPT MOTOR VEHICLE:** A motor vehicle which is subject to the Automotive Inspection Program and its Exhaust Emissions Inspections.

**V. OXIDES OF NITROGEN (NOX):** A group of chemical compounds formed by the combination of oxygen and nitrogen.

**W. OZONE (O<sub>3</sub>):** A molecule composed of three atoms of oxygen.

X. PARTICULATE MATTER (PM10): All particulate matter, including condensable particulates, with an aerodynamic diameter of less than or equal to a nominal ten (10) micrometers.

Y. PASS-ADJUST CRITERIA: Those standards set forth in the Rules and Regulations adopted by the Board pursuant to this Ordinance which specify the maximum allowable components which may exist in Exhaust Emissions of a Non-Exempt Motor Vehicle.

Z. PUBLIC NOTICE: A statement of the Board's intent to modify the Rules and Regulations, including a summary of the proposed modifications, published in at least one newspaper of general circulation within Ada County, posted at the offices of the Air Quality Board, and mailed to all participants in the Joint Powers Agreement and all Automotive Inspection Stations.

AA. REPAIR AND RE-INSPECTION STATION: A facility licensed in accordance with Board specifications or operating under a contract with the Board for the purpose of repairing Non-Exempt Motor Vehicles which have failed an Exhaust Emissions Inspection and to perform a re-inspection of Exhaust Emissions in a manner specified by the Board.

BB. RULES AND REGULATIONS: Specific written provisions governing the Automotive Inspection Program, as adopted and amended by the Board from time to time.

CC. SULFUR DIOXIDE (SO<sub>2</sub>): A chemical compound consisting exclusively of the elements sulfur and oxygen.

DD. TAMPERING: Removal of or rendering wholly or partially inoperative an Exhaust Emissions Control Device, including but not limited to the catalytic converter, air injection system, fuel inlet restrictor or other subsequent systems and devices designed and installed to reduce exhaust emissions.

EE. VOLATILE ORGANIC COMPOUND (VOC): Any organic compound which readily evaporates in the atmosphere and, through its participation in atmospheric photochemical reactions, contributes to the formation of Ozone.

(Ord. No. 5661, Amended, 09/26/95)

(5925, Amended, 07/20/1999; 5831, Amended, 01/20/1998)

#### **Section 8-13-04 CREATION OF AN INSPECTION-MAINTENANCE PROGRAM**

A. An Air Quality Board is hereby created pursuant to the joint powers provisions of Idaho Code Chapter 23 Title 67 in a Joint Powers Agreement executed by the participating public agencies. The composition and organization of the Board shall be as set forth in the Joint Powers Agreement.

B. The Board shall design and implement an Automotive Inspection Program for the mandatory Exhaust Emissions analysis, inspection, maintenance and repair of Non-Exempt Motor Vehicles to insure continued compliance with National Ambient Air Quality Standards and in accordance with applicable rules and regulations of the U.S. Environmental Protection Agency, the State of Idaho Division of Environmental Quality and the Ada Planning Association Board.

C. The Exhaust Emissions of each Non-Exempt Motor Vehicle will be measured and evaluated periodically and the Owner of any such vehicle is required to present the vehicle at an Automotive

Inspection Station for an Exhaust Emissions Inspection unless specifically exempted from this requirement by the Board or by this Ordinance. Failure to do so within the Inspection Period constitutes prima facie evidence of a violation of this Ordinance. The frequency and timing of the Inspection Period will be determined by the Board.

D. The Owner of a Non-Exempt Motor Vehicle which passes an Exhaust Emissions Inspection as provided herein shall be presented with a Certificate of Compliance. The Owner shall maintain the certificate in a place and manner specified by the Board in the Rules and Regulations and present it to the Board or other authority upon demand. Failure to do so constitutes prima facie evidence of a violation of this Ordinance.

E. A Motor Vehicle is classified as a Non-Exempt Motor Vehicle if all of the following are true:

1. The Certificate of Registration has 'ADA COUNTY' entered upon it as the county of residence or would be required to have 'ADA COUNTY' entered upon it as the county of residence pursuant to Idaho Code 49-401B;
2. The Gross Vehicle Weight equals or exceeds 1500 pounds; and
3. The Model Year is 1965 or newer.

F. The following are hereby specifically exempted from compliance with the Automotive Inspection Program, subject to verification in a manner specified by the Board and included in the Rules and Regulations:

1. Motorcycles as defined in Idaho Code 40-114;
2. "Idaho Old Timers" as defined in Idaho Code 49-406;
3. Farm tractors as defined in Idaho Code 49-107;
4. Motor vehicles registered under the pro-rated registration provisions of Idaho Code 49-437 for a period of less than six (6) months;
5. Idaho Classic vehicles as defined in Idaho Code 49-406A;
6. Motor Vehicles for which an alternate fuel type has been established according to Rules and Regulations adopted by the Board; and
7. Such other Motor Vehicles as may be exempted by Rules and Regulations adopted by the Board.

G. An Exhaust Emissions Inspection may only be performed by and in a manner consistent with Rules and Regulations adopted by the Board. An Exhaust Emissions Inspection shall include all of the following:

1. A measurement of Exhaust Emissions using an approved Exhaust Analyzer or other procedure or device approved by the Board to sample the Motor Vehicle's Exhaust Emissions, specifically including the Carbon Monoxide and Hydrocarbon content of the



Exhaust Emissions and any other gases, vapors and particles as adopted by the Board to comply with the purposes of this Ordinance as expressed in Section 8-13-02; and.

2. A determination as to whether Exhaust Emissions meet the Pass-Adjust Criteria; and
3. A visual inspection, for Model Years 1984 and newer, to verify presence of the catalytic converter, air injection system, size of the fuel restrictor and any other visual inspection component(s) specified by the Board in the Rules and Regulations; and.
4. Any other inspection adopted by the Board in the Rules and Regulations.

H. Where Exhaust Emissions do not meet the Pass-Adjust Criteria, an indication to a Motor Vehicle Owner of the repair and Re-Inspection provisions of the Automotive Inspection Program.

I. It is the responsibility of the Owner of a Non-Exempt Motor Vehicle which was found not to comply with the Pass-Adjust Criteria to have the Motor Vehicle brought into compliance at the Owner's expense and to have it re-inspected within ten (10) calendar days of the failed Exhaust Emissions Inspection according to procedures and criteria established by the Board and included in the rules and Regulations.

J. Each Non-Exempt Motor Vehicle shall bear a share of the cost of the Automotive Inspection Program regardless of whether the Board elects to waive one or more Exhaust Emissions Inspections for that vehicle. The Motor Vehicle Owner for each Non-Exempt Motor Vehicle is required to submit payment to the Board or other authorized representative under terms and conditions specified in the Rules and Regulations.

K. An Emissions Inspection Mechanic who performs an Exhaust Emissions Inspection on a Motor Vehicle shall, when the Motor Vehicle is found to comply with the Pass-Adjust Criteria, immediately issue a Certificate of Compliance in accordance with procedures adopted by the Board in the Rules and Regulations. The Certificate of Compliance will expire on the last day of the next Inspection Period for that Motor Vehicle.

(5925, Amended, 07/20/1999; 5831, Amended, 01/20/1998)

#### **Section 8-13-05 DUTIES AND POWERS OF THE BOARD**

A. The Board shall conduct regular monthly meetings at such time as the Board shall determine. Meetings are open to the public.

B. The Board, in accordance with the criteria expressed herein, shall adopt Rules and Regulations for the implementation and operation of the Automotive Inspection Program and amend those Rules and Regulations from time to time as it deems necessary. Rules and Regulations and amendments to same may only be adopted at an Air Quality Board meeting with a minimum of fourteen (14) days Public Notice of the Board's intent to amend the Rules and Regulations.

C. Rules and Regulations shall include but not be limited to the following:

1. Procedures for determining the exempt or non-exempt status of any Motor Vehicle and releasing exempt Motor Vehicles from further compliance with the Automotive Inspection Program;

2. Procedures for establishing the Inspection Period for a Non-Exempt Motor Vehicle;
3. Structure of the Automotive Inspection Program, specifically including whether repairs and adjustments to Motor Vehicles failing to comply with the Pass-Adjust criteria may or may not be made by Emissions Inspection Mechanics who perform the original Exhaust Emissions Inspection;
4. Procedures for licensing or contracting for Automotive Inspection Stations, Repair and Re-Inspection Stations, Emissions Inspection Mechanics and Emissions Repair Mechanics and for the potential termination thereof;
5. Pass-Adjust Criteria for all Non-Exempt Motor Vehicles;
6. Nature and display of Certificates of Compliance on Non-Exempt Motor Vehicles which successfully comply with the Pass-Adjust Criteria;
7. Specifications for approved Exhaust Analyzers or other emissions measurement devices or systems;
8. Procedures by which the fee to be charged each Motor Vehicle Owner for each Non-Exempt Motor Vehicle is determined, or, alternatively, the fee itself;
9. Circumstances under which a waiver may be granted to exempt a Non-Exempt Motor Vehicle from the provisions of this Ordinance, either temporarily or permanently;
10. Minimum effort(s) which will be required of the Owner of a Non-Exempt Motor Vehicle which fails to comply with the Pass-Adjust Criteria in order to bring the failing vehicle into compliance with the Pass-Adjust Criteria, as well as procedures by which such minimum effort provisions may be amended from time to time. This effort shall generally be the minimum necessary to accommodate typical repair and reinspection needs and may be different for different Model Years;
11. Cost of a Certificate of Compliance. This shall be the minimum necessary to provide for the on-going operation, administration, maintenance and enforcement of the Automotive Inspection Program and shall not exceed \$4.00 without concurrence of all parties to the Joint Powers Agreement;
12. The processing fee which may be assessed upon Owners of Non-Exempt Motor Vehicles who fail to present their Non-Exempt Motor Vehicle for inspection within the Inspection Period (and the procedure by which this fee is established. This fee shall be sufficient to recover costs of processing notices of violation for all Non-Exempt Motor Vehicles which do not comply with the provisions of this Ordinance within the Inspection Period);
13. Procedures governing the contracting for or licensing of Automotive Inspection Stations, Repair and Re-Inspection Stations and Emissions Inspection Mechanics and the suspension, revocation, or termination of those contracts or licenses when appropriate;
14. Schedules and deadlines for the flow of data, paperwork and information pertaining to Exhaust Emissions Inspections among Automotive Inspection Stations, Repair and Re-

Inspection Stations, Exhaust Emissions Mechanics and the Automotive Inspection Program staff; and

15. Any other matters deemed to be within the authority of the Board.

D. The Board may, at its discretion, employ the full power and authority of law to insure that Motor Vehicle Owners comply fully and completely with Idaho Code 49-401B, specifically including correct designation of the county of residence as provided therein.

E. The Board shall conduct an on-going quality assurance program to determine that all Automotive Inspection Stations, Repair and Re-Inspection Stations and Exhaust Emission Mechanics perform Automotive Inspection Program tasks in conformance with the adopted Rules and Regulations.

F. The Board or its authorized representative, upon written notice and an opportunity for a hearing, may suspend, revoke and/or require the surrender and forfeiture of any license granted by the Board which is not utilized in accordance with this Ordinance or the Rules and Regulations. The procedure and grounds for suspension or revocation shall be set forth in the Rules and Regulations and shall comply with current Idaho law.

G. The Board shall have the authority to undertake any additional actions reasonably necessary to the operation of the Automotive Inspection Program, including but not limited to:

1. Employing necessary staff;
2. Executing necessary contracts and documents;
3. Authorizing deposits into and expenditures from the Motor Vehicle Emissions Inspection Fund;
4. Acquiring and disposing of personal property;
5. Establishing an annual budget for the Air Inspection Program;
6. Operating the Automotive Inspection Program in accordance with standard fiscal practice; and
7. Providing for an annual audit of both financial and management practices of the Automotive Inspection Program.

H. The Board shall conduct ongoing evaluations of the Automotive Inspection Program sufficient to satisfy requirements of the US Environmental Protection Agency, the Ada Planning Association Board and other applicable rules and statutes.

(5925, Amended, 07/20/1999; 5831, Amended, 01/20/1998)

#### **Section 8-13-06 FINANCING**

A. There is hereby established a Motor Vehicle Emissions Inspection Fund which shall consist of the following:

1. Money appropriated thereto by the Board or any local entity;
2. Money remitted by Automotive Inspection Stations and Repair and Re-Inspection Stations which is collected as fees;
3. Money received by the Board from private grants or donations;
4. Money received by the Board from processing fees assessed to Owners of Non- Exempt Motor Vehicles who do not present their vehicle for an Exhaust Emissions Inspection during the Inspection Period;
5. Federal or state funds received by the Board for the Automotive Inspection Program; and
6. Any other funds received by the Board from any source.

B. Moneys in the Motor Vehicle Emissions Inspection Fund may be used to pay all costs incurred by the Board in administering any aspect of the Automotive Inspection Program.

C. The Board shall appropriate and budget on a fiscal year basis, indicating expenditures to be made in implementing and administering the Automotive Inspection Program and sources of income to be used for such expenditures.

(5925, Amended, 07/20/1999; 5831, Amended, 01/20/1998)

#### **Section 8-13-07 INSPECTION CRITERIA AND COSTS**

A. A Non-Exempt Motor Vehicle's Exhaust Emissions must be less than or equal to the approved Pass-Adjust Criteria in order for a Certificate of Compliance to be issued without further repair, adjustment or testing.

B. Non-Exempt Motor Vehicles of the Model Year 1984 and newer must have a fully operational catalytic converter, air injection system, fuel restrictor and any other component(s), devices or systems specified by the Board in the Rules and Regulations. The Owner of a Non-Exempt Motor Vehicle is required to see that these systems are fully operational. An Exhaust Emissions Inspection will not be performed on any vehicle on which one or more of these components have been subject to Tampering. The Owner of any Non-Exempt Motor Vehicle which has been subject to Tampering must bring all components into compliance and have the vehicle inspected within the Inspection Period.

C. Certificate of Compliance may be issued by an Emissions Inspection Mechanic who personally has performed an Exhaust Emissions Inspection and found the Non-Exempt Motor Vehicle to be in full compliance with the Automotive Inspection Program or by an Emissions Repair Mechanic who has personally performed repairs and adjustments to a Motor Vehicle which bring such vehicle into full compliance with the Automotive Inspection Program or the Board.

D. No person shall represent himself or herself as an Emissions Inspection Mechanic unless he or she has a current license issued by the Board or is operating under a current contract with the Board.

E. No person shall demand or collect a fee for the Exhaust Emissions Inspection of a Non-Exempt Motor Vehicle unless authorized by this Ordinance.

(5925, Amended, 07/20/1999; 5831, Amended, 01/20/1998)

**Section 8-13-08 ACQUISITION OF PROPERTY; CERTIFICATES PROPERTY OF BOARD**

A. The Board may acquire by purchase, donation, dedication, or other lawful means any special equipment, tools, materials or facilities needed to adequately administer, investigate or enforce the provisions of this Ordinance or the Rules and Regulations adopted pursuant hereto provided, however, any acquisition made by the Board shall comply with all statutory requirements imposed upon the City of Boise for the purpose of receipt of property.

B. All Certificates of Compliance are the property of the Board until such time as they are issued to properly inspected Motor Vehicles.

(5925, Amended, 07/20/1999; 5831, Amended, 01/20/1998)

**Section 8-13-09 FALSIFICATION OF CERTIFICATES**

A. No person shall willfully make, issue, display, sell or possess any imitation, counterfeit, or alteration of a Certificate of Compliance. Such activities so constitute prima facie evidence of a violation of this Ordinance.

B. No person shall display upon any Non-Exempt Motor Vehicle a Certificate of Compliance knowing it to be issued without compliance with this Ordinance. Such activities so constitute prima facie evidence of a violation of this Ordinance.

(5925, Amended, 07/20/1999; 5831, Amended, 01/20/1998)

**Section 8-13-10 ENFORCEMENT**

Any Owner who fails to present a Non-Exempt Motor Vehicle for an Exhaust Emissions Inspection during the Inspection Period is in violation of this Ordinance and will be subject to a Board processing fee and any and all other enforcement mechanisms available through Idaho Code, this Ordinance, and other applicable municipal or county ordinances. Nothing in this Ordinance shall be construed to prevent the Board from requesting or utilizing any and all enforcement mechanisms granted by law.

(5925, Amended, 07/20/1999; 5831, Amended, 01/20/1998)

**Section 8-13-11 PENALTIES**

Any person who violates any provision of this Ordinance shall be deemed guilty of an infraction and, upon judgment thereof, shall be subject to the penalties set forth in Idaho Infraction Rule 9(b) (Other Infractions). Failure to satisfy judgment as ordered by the Court pursuant to this Ordinance shall be deemed contempt of court punishable as a misdemeanor pursuant to Idaho Code 18-1801.

(5925, Amended, 07/20/1999; 5831, Amended, 01/20/1998)

**Section 8-13-12 EFFECTIVE DATES**

This Ordinance shall be effective beginning on the date on which the Joint Powers Agreement is adopted and continuously thereafter through and including December 31, 2002.

(5925, Amended, 07/20/1999; 5832, Amended, 02/03/1998; 5831, Repealed, 01/20/1998; 5774, Amended, 12/17/1996)

**Section 8-13-13 SEVERABILITY**

If any section, sentence, clause, word or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid or unenforceable by any court of competent jurisdiction, such shall not affect the validity and enforceability of the remaining portions of this Ordinance, all of which shall remain in full force and effect. (Ord. 5273, 11-20-90)

(5831, Amended, 01/20/1998)

## **CITY OF EAGLE**

### **4-4-1: SHORT TITLE:**

This Chapter may be cited as the *1999 MOTOR VEHICLE EMISSIONS CONTROL ORDINANCE*. (Ord. 346, 4-27-1999)

### **4-4-2: LEGISLATIVE FINDINGS AND PURPOSE:**

It is found and declared that exhaust emissions from motor vehicles are a major source of air pollution throughout Ada County and such air pollution is a health hazard to all residents of the County and its incorporated cities.

A. It is further found and declared that:

1. An effective system of periodic motor vehicle inspection and maintenance will reduce the level of vehicular-based air pollution;
2. The Federal Government has mandated to the several states and local entities the ultimate responsibility for periodic motor vehicle inspection and maintenance;
3. Ada County has been designated as a nonattainment area for both carbon monoxide and small particulate matter (PM<sub>10</sub>) and as such is mandated under the Federal Clean Air Act to reduce emissions so that the National Ambient Air Quality Standards will be attained and maintained;
4. Ada County and its incorporated cities will be monitored for PM<sub>2.5</sub> and ozone in the immediate future, and that the primary source of both of these pollutants in Ada County is exhaust emissions from motor vehicles.
5. Fuel economy is a legitimate legislative purpose and that an efficient emissions control program will result in motor vehicle fuel savings for the residents of Ada County and its incorporated cities;
6. The City is duly authorized to enact and enforce this Chapter under Idaho Code 31-714 and 50-302, respectively.

B. The purposes of this Chapter, therefore, are to protect the health and welfare of the citizens of Ada County and its incorporated cities, to provide for the continued control and management of exhaust emissions above certain levels as determined by the Federal Clean Air Act, as amended, as well as Rules for the Control of Air Pollution in the State of Idaho, and to empower the Air Quality Board to design and implement required periodic inspection of certain motor vehicles. (Ord. 346, 4-27-1999)

### **4-4-3: DEFINITIONS:**

**AUTOMOTIVE INSPECTION PROGRAM:** That program established by the Board in accordance with this Chapter and whose purpose is to implement the requirements of this Chapter.

**AUTOMOTIVE INSPECTION STATION:** A facility licensed in accordance with Board specifications or operating under a contract with the Board for the purpose of performing exhaust emissions inspections.

**BOARD:** The Air Quality Board, chartered under the automotive inspection and readjustment program, joint powers agreement and this Chapter.

**CARBON MONOXIDE (CO):** An inorganic chemical compound containing one atom of carbon and one atom of oxygen.

**CERTIFICATE OF COMPLIANCE:** A Board-approved certificate verifying that the motor vehicle described thereon is in compliance with the requirements of this Chapter and the rules and regulations adopted pursuant to this Chapter.

**EMISSIONS INSPECTION MECHANIC:** An individual who performs exhaust emissions inspections on behalf of the Board in compliance with a formal written agreement with the Board.

**EMISSIONS REPAIR MECHANIC:** An individual who performs exhaust emissions repairs to motor vehicles on behalf of the Board in compliance with a formal written agreement with the Board.

**EXHAUST ANALYZER:** A device for calculating the proportion of various gases, vapors and particles present in the exhaust emissions of a motor vehicle, specifically including carbon monoxide, hydrocarbon, oxides of nitrogen, sulfur dioxide, volatile organic compounds and any other gases, vapors and particles as required by the Board.

**EXHAUST EMISSIONS:** Substances emitted into the atmosphere from any opening downstream of the exhaust port(s) of any motor vehicle engine.

**EXHAUST EMISSIONS CONTROL DEVICE:** Equipment designed by the manufacturer for installation on a motor vehicle for the purpose of reducing pollutants emitted from the motor vehicle, or a system or engine modification of a vehicle which causes a reduction of pollutants emitted from the motor vehicle, as required by Federal law.

**EXHAUST EMISSIONS INSPECTION AND EXHAUST EMISSIONS REINSPECTION:** That test, performed at an automotive inspection station or a repair and reinspection station by an emissions inspection mechanic, which determines whether a motor vehicle's exhaust emissions meet or do not meet applicable pass-adjust criteria.

**FINE PARTICULATE MATTER (PM<sub>2.5</sub>):** All particulate matter, including condensable particulates, with an aerodynamic diameter of less than or equal to a nominal two and one-half (2.5) micrometers.

**GROSS VEHICLE WEIGHT:** The weight in pounds of a fully fueled empty motor vehicle plus any additional carrying capacity specified by the vehicle manufacturer.

**HYDROCARBON (HC):** An organic compound consisting exclusively of the elements carbon and hydrogen.



**INSPECTION PERIOD:** That period, determined according to applicable rules and regulations, during which a nonexempt motor vehicle is scheduled to be presented for an exhaust emissions inspection.

**JOINT POWERS AGREEMENT:** That agreement entered into pursuant to the joint powers provisions of Idaho Code chapter 23 title 67, among and between the incorporated cities of Ada County, the County of Ada, and the Ada County Highway District, which creates the Board.

**MODEL YEAR:** The year of origin of a motor vehicle so designated by that vehicle's certificate of registration filed with the Idaho Department of Transportation.

**MOTOR VEHICLE:** Any self-propelled motor vehicle with four (4) or more wheels in contact with the ground.

**MOTOR VEHICLE OWNER:** An individual, partnership, firm, public, private, or municipal corporation, association, trust, estate, agency, lessee, political subdivision of the State of Idaho or the Government of the United States or any other legal entity or their legal representatives, agents or assigns whose name appears as owner of a motor vehicle on its certificate of registration.

**NATIONAL AMBIENT AIR QUALITY STANDARDS (NAAQS):** Standards developed by the U.S. Environmental Protection Agency in accordance with its responsibilities under the Federal Clean Air Act, as amended, and its implementing regulations.

**NONEXEMPT MOTOR VEHICLE:** A motor vehicle which is subject to the automotive inspection program and its exhaust emissions inspections.

**OXIDES OF NITROGEN (NO<sub>x</sub>):** A group of chemical compounds formed by the combination of oxygen and nitrogen.

**OZONE (O<sub>3</sub>):** A molecule composed of three (3) atoms of oxygen.

**PARTICULATE MATTER (PM<sub>10</sub>):** All particulate matter, including condensable particulates, with an aerodynamic diameter of less than or equal to a nominal ten (10) micrometers.

**PASS-ADJUST CRITERIA:** Those standards set forth in the rules and regulations adopted by the Board pursuant to this Chapter which specify the maximum allowable components which may exist in exhaust emissions of a nonexempt motor vehicle.

**PUBLIC NOTICE:** A statement of the Board's intent to modify the rules and regulations, including a summary of the proposed modifications, published in at least one newspaper of general circulation within Ada County, posted at the offices of the Air Quality Board, and mailed to all participants in the joint powers agreement and all automotive inspection stations.

**REPAIR AND REINSPECTION STATION:** A facility licensed in accordance with Board specifications or operating under a contract with the Board for the purpose of repairing nonexempt motor vehicles which have failed an exhaust emissions inspection and to perform a reinspection of exhaust emissions in a manner specified by the Board.

**RULES AND REGULATIONS:** Specific written provisions governing the automotive inspection program, as adopted and amended by the Board from time to time.

SULFUR DIOXIDE (SO<sub>2</sub>): A chemical compound consisting exclusively of the elements sulfur and oxygen.

TAMPERING: Removal of or rendering wholly or partially inoperative an exhaust emissions control device, including, but not limited to, the catalytic converter, air injection system, fuel inlet restrictor or other subsequent systems and devices designed and installed to reduce exhaust emissions.

VOLATILE ORGANIC COMPOUND (VOC): Any organic compound which readily evaporates in the atmosphere and, through its participation in atmospheric photochemical reactions, contributes to the formation of ozone. (Ord. 346, 4-27-1999)

#### **4-4-4: CREATION OF AN INSPECTION-MAINTENANCE PROGRAM:**

A. An Air Quality Board is hereby created pursuant to the joint powers provisions of Idaho Code chapter 23 title 67 in a joint powers agreement executed by the participating public agencies. The composition and organization of the Board shall be as set forth in the joint powers agreement.

B. The Board shall design and implement an automotive inspection program for the mandatory exhaust emissions analysis, inspection, maintenance and repair of nonexempt motor vehicles to ensure continued compliance with National Ambient Air Quality Standards and in accordance with applicable rules and regulations of the U.S. Environmental Protection Agency, the State of Idaho Division of Environmental Quality and the Ada Planning Association Board.

C. The exhaust emissions of each nonexempt motor vehicle will be measured and evaluated periodically and the owner of any such vehicle is required to present the vehicle at an automotive inspection station for an exhaust emissions inspection unless specifically exempted from this requirement by the Board or by this Chapter. Failure to do so within the inspection period constitutes prima facie evidence of a violation of this Chapter. The frequency and timing of the inspection period will be determined by the Board.

D. The owner of a nonexempt motor vehicle which passes an exhaust emissions inspection as provided herein shall be presented with a certificate of compliance. The owner shall maintain the certificate in a place and manner specified by the Board in the rules and regulations and present it to the Board or other authority upon demand. Failure to do so constitutes prima facie evidence of a violation of this Chapter.

E. A motor vehicle is classified as a nonexempt motor vehicle if all of the following are true:-

1. The certificate of registration has "Ada County" entered upon it as the County of residence or would be required to have "Ada County" entered upon it as the County of residence pursuant to Idaho Code 49-401B;
2. The gross vehicle weight equals or exceeds one thousand five hundred (1,500) pounds; and
3. The model year is 1965 or newer.

F. The following are hereby specifically exempted from compliance with the automotive inspection program, subject to verification in a manner specified by the Board and included in the rules and regulations:

1. Motorcycles as defined in Idaho Code 49-114;
2. "Idaho Old Timers" as defined in Idaho Code 49-406;
3. Farm tractors as defined in Idaho Code 49-107;
4. Motor vehicles registered under the prorated registration provisions of Idaho Code 49-437 for a period of less than six (6) months;
5. Idaho classic vehicles as defined in Idaho Code 49-406A;
6. Motor vehicles for which an alternate fuel type has been established according to rules and regulations adopted by the Board; and
7. Such other motor vehicles as may be exempted by rules and regulations adopted by the Board.

G. An exhaust emissions inspection may only be performed by and in a manner consistent with rules and regulations adopted by the Board. An exhaust emissions inspection shall include all of the following:

1. A measurement of exhaust emissions using an approved exhaust analyzer or other procedure or device approved by the Board to sample the motor vehicle's exhaust emissions, specifically including carbon monoxide and hydrocarbon content of the exhaust emissions and any other gases, vapors and particles as adopted by the Board to comply with the purposes of this Chapter as expressed in Section 4-4-2 of this Chapter; and
2. A determination as to whether exhaust emissions meet the pass-adjust criteria; and
3. A visual inspection, for model years 1984 and newer, to verify presence of the catalytic converter, air injection system, size of the fuel restrictor and any other visual inspection component(s) specified by the Board in the rules and regulations; and
4. Any other inspection adopted by the Board in the rules and regulations.

H. Where exhaust emissions do not meet the pass-adjust criteria, an indication to a motor vehicle owner of the repair and reinspection provisions of the automotive inspection program.

I. It is the responsibility of the owner of a nonexempt motor vehicle which was found not to comply with the pass-adjust criteria to have the motor vehicle brought into compliance at the owner's expense and to have it reinspected within ten (10) calendar days of the failed exhaust emissions inspection according to procedures and criteria established by the Board and included in the rules and regulations.

J. Each nonexempt motor vehicle shall bear a share of the cost of the automotive inspection program regardless of whether the Board elects to waive one or more exhaust emissions

inspections for that vehicle. The motor vehicle owner for each nonexempt motor vehicle is required to submit payment to the Board or other authorized representative under terms and conditions specified in the rules and regulations.

K. An emissions inspection mechanic who performs an exhaust emissions inspection on a motor vehicle shall, when the motor vehicle is found to comply with the pass-adjust criteria, immediately issue a certificate of compliance in accordance with procedures adopted by the Board in the rules and regulations. The certificate of compliance will expire on the last day of the next inspection period for that motor vehicle. (Ord. 346, 4-27-1999)

#### **4-4-5: DUTIES AND POWERS OF THE BOARD:**

A. The Board shall conduct regular monthly meetings at such time and place as the Board shall determine. Meetings are open to the public.

B. The Board, in accordance with the criteria expressed herein, shall adopt rules and regulations for the implementation and operation of the automotive inspection program and amend those rules and regulations from time to time as it deems necessary. Rules and regulations and amendments to same may only be adopted at an Air Quality Board meeting with a minimum of fourteen (14) days' public notice of the Board's intent to amend the rules and regulations.

C. Rules and regulations shall include, but not be limited to, the following:

1. Procedures for determining the exempt or nonexempt status of any motor vehicle and releasing exempt motor vehicles from further compliance with the automotive inspection program;
2. Procedures for establishing the inspection period for a nonexempt motor vehicle;
3. Structure of the automotive inspection program, specifically including whether repairs and adjustments to motor vehicles failing to comply with the pass-adjust criteria may or may not be made by emissions inspection mechanics who perform the original exhaust emissions inspection;
4. Procedures for licensing or contracting for automotive inspection stations, repair and reinspection stations, emissions inspection mechanics and emissions repair mechanics and for the potential termination thereof;
5. Pass-adjust criteria for all nonexempt motor vehicles;
6. Nature and display of certificates of compliance on nonexempt motor vehicles which successfully comply with the pass-adjust criteria;
7. Specifications for approved exhaust analyzers or other emissions measurement devices or systems;
8. Procedures by which the fee to be charged each motor vehicle owner for each nonexempt motor vehicle is determined, or, alternatively, the fee itself;

9. Circumstances under which a waiver may be granted to exempt a nonexempt motor vehicle from the provisions of this Chapter, either temporarily or permanently;

10. Minimum effort(s) which will be required of the owner of a nonexempt motor vehicle owner which fails to comply with the pass-adjust criteria in order to bring the failing vehicle into compliance with the pass-adjust criteria, as well as procedures by which such minimum effort provisions may be amended from time to time. This effort shall generally be the minimum necessary to accommodate typical repair and reinspection needs and may be different for different model years;

11. Cost of a certificate of compliance. This shall be the minimum necessary to provide for the ongoing operation, administration, maintenance and enforcement of the automotive inspection program and shall not exceed four dollars (\$4.00) without concurrence of all parties to the joint powers agreement;

12. The processing fee which may be assessed upon owners of nonexempt motor vehicles who fail to present their nonexempt motor vehicle for inspection within the inspection period and the procedure by which this fee is established. This fee shall be sufficient to recover costs of processing notices of violation for all nonexempt motor vehicles which do not comply with the provisions of this Chapter within the inspection period;

13. Procedures governing the contracting for or licensing of automotive inspection stations, repair and reinspection stations and emissions inspection mechanics and the suspension, revocation, or termination of those contracts or licenses when appropriate;

14. Schedules and deadlines for the flow of data, paperwork and information pertaining to exhaust emissions inspections among automotive inspection stations, repair and reinspection stations, exhaust emissions mechanics and the automotive inspection program staff; and

15. Any other matters deemed to be within the authority of the Board.

D. The Board may, at its discretion, employ the full power and authority of law to ensure that motor vehicle owners comply fully and completely with Idaho Code 49-401B, specifically including correct designation of the county of residence as provided therein.

E. The Board shall conduct an ongoing quality assurance program to determine that all automotive inspection stations, repair and reinspection stations and exhaust emission mechanics perform automotive inspection program tasks in conformance with the adopted rules and regulations.

F. The Board or its authorized representative, upon written notice and an opportunity for a hearing, may suspend, revoke and/or require the surrender and forfeiture of any license granted by the Board which is not utilized in accordance with this Chapter or the rules and regulations. The procedure and grounds for suspension or revocation shall be set forth in the rules and regulations and shall comply with current Idaho law.

G. The Board shall have the authority to undertake any additional actions reasonably necessary to the operation of the automotive inspection program, including, but not limited to:

1. Employing necessary staff;
2. Executing necessary contracts and documents;
3. Authorizing deposits into and expenditures from the motor vehicle emissions inspection fund;
4. Acquiring and disposing of personal property;
5. Establishing an annual budget for the air inspection program;
6. Operating the automotive inspection program in accordance with standard fiscal practice; and
7. Providing for an annual audit of both financial and management practices of the automotive inspection program.-

H. The Board shall conduct ongoing evaluations of the automotive inspection program sufficient to satisfy requirements of the U.S. Environmental Protection Agency, the Ada Planning Association Board and other applicable rules and statutes. (Ord. 346, 4-27-1999)

#### **4-4-6: FINANCING:**

A. There is hereby established a motor vehicle emissions inspection fund which shall consist of the following:

1. Money appropriated thereto by the Board or any local entity;
2. Money remitted by automotive inspection stations and repair and reinspection stations which is collected as fees;
3. Money received by the Board from private grants or donations;
4. Money received by the Board from processing fees assessed to owners of nonexempt motor vehicles who do not present their vehicle for an exhaust emissions inspection during the inspection period;
5. Federal or State funds received by the Board for the automotive inspection program; and
6. Any other funds received by the Board from any source.

B. Monies in the motor vehicle emissions inspection fund may be used to pay all costs incurred by the Board in administering any aspect of the automotive inspection program.

C. The Board shall appropriate and budget on a fiscal year basis, indicating expenditures to be made in implementing and administering the automotive inspection program and sources of income to be used for such expenditures. (Ord. 346, 4-27-1999)

**4-4-7: INSPECTION CRITERIA AND COSTS:**

A. A nonexempt motor vehicle's exhaust emissions must be less than or equal to the approved pass-adjust criteria in order for a certificate of compliance to be issued without further repair, adjustment or testing.

B. Nonexempt motor vehicles of the model year 1984 and newer must have a fully operational catalytic converter, air injection system, fuel restrictor and any other component(s), devices or systems specified by the Board in the rules and regulations. The owner of a nonexempt motor vehicle is required to see that these systems are fully operational. An exhaust emissions inspection will not be performed on any vehicle on which one or more of these components have been subject to tampering. The owner of any nonexempt motor vehicle which has been subject to tampering must bring all components into compliance and have the vehicle inspected within the inspection period.

C. A certificate of compliance may be issued by an emissions inspection mechanic who personally has performed an exhaust emissions inspection and found the nonexempt motor vehicle to be in full compliance with the automotive inspection program or by an emissions repair mechanic who has personally performed repairs and adjustments to a motor vehicle which bring such vehicle into full compliance with the automotive inspection program or by the Board.

D. No person shall represent himself or herself as an emissions inspection mechanic unless he or she has a current license issued by the Board or is operating under a current contract with the Board.

E. No person shall demand or collect a fee for the exhaust emissions inspection of a nonexempt motor vehicle unless authorized by this Chapter. (Ord. 346, 4-27-1999)

**4-4-8: ACQUISITION OF PROPERTY; CERTIFICATES PROPERTY OF BOARD:**

A. The Board may acquire by purchase, donation, dedication, or other lawful means any special equipment, tools, materials or facilities needed to adequately administer, investigate or enforce the provisions of this Chapter or the rules and regulations adopted pursuant hereto, provided, however, any acquisition made by the Board shall comply with all statutory requirements imposed upon the County for the purpose of receipt of property.

B. All certificates of compliance are the property of the Board until such time as they are issued to properly inspected motor vehicles. (Ord. 346, 4-27-1999)

**4-4-9: FALSIFICATION OF CERTIFICATES:**

A. No person shall wilfully make, issue, display, sell or possess any imitation, counterfeit, or alteration of a certificate of compliance. Such activities so constitute prima facie evidence of a violation of this Chapter.

B. No person shall display upon nor carry within any nonexempt motor vehicle a certificate of compliance knowing it to be issued without compliance with this Chapter. Such activities so constitute prima facie evidence of a violation of this Chapter. (Ord. 346, 4-27-1999)

**4-4-10: ENFORCEMENT:**

Any owner who fails to present a nonexempt motor vehicle for an exhaust emissions inspection during the inspection period is in violation of this Chapter and will be subject to a Board processing fee and any and all other enforcement mechanisms available through Idaho Code, this Chapter, and other applicable Municipal or County ordinances. Nothing in this Chapter shall be construed to prevent the Board from requesting or utilizing any and all enforcement mechanisms granted by law. (Ord. 346, 4-27-1999)

**4-4-11: PENALTIES:**

Any person who violates any provision of this Chapter shall be deemed guilty of an infraction and, upon judgment thereof, shall be subject to the penalties set forth in Idaho Infraction Rule 9(b) (Other Infractions). Failure to satisfy judgment as ordered by the court pursuant to this Chapter shall be deemed contempt of court punishable as a misdemeanor pursuant to Idaho Code 18-1801. (Ord. 346, 4-27-1999)



## **GARDEN CITY**

### **CHAPTER 4**

#### **MOTOR VEHICLE EMISSIONS CONTROL**

##### **SECTION:**

- 5-4-1: Short Title
- 5-4-2: Legislative Findings and Purpose
- 5-4-3: Definitions
- 5-4-4: Inspection Maintenance Program Created
- 5-4-5: Duties and Powers of the Board
- 5-4-6: Financing
- 5-4-7: Inspection Criteria and Costs
- 5-4-8: Acquisition of Property; Certificates Property of Board
- 5-4-9: Falsification of Certificates
- 5-4-10: Enforcement
- 5-4-11: Penalties
- 5-4-12: Effective Dates
- 5-4-13: Severability

5-4-1: **SHORT TITLE:** This Chapter may be cited as THE 1991 *VEHICLE EMISSIONS CONTROL CHAPTER*.

5-4-2: **LEGISLATIVE FINDINGS AND PURPOSE:**

It is found and declared that exhaust emissions from motor vehicles are a major source of air pollution in the County of Ada and such air pollution is a health hazard to all residents of the County and its five (5) incorporated cities;

It is further found and declared that an effective system of periodic motor vehicle inspection and maintenance will reduce the level of vehicular air pollution;

It is further found and declared that Ada County has been designated as a nonattainment area for carbon monoxide and as such is mandated under the Federal Clean Air Act to reduce automobile emissions so that the National Ambient Air Quality Standard for carbon monoxide will be attained and maintained;

It is further found and declared that fuel economy is a legitimate legislative purpose and that an efficient emissions control program will result in motor vehicle fuel savings for the residents of Ada County and its cities;

It is further found and declared that the City of Garden City is duly authorized under Idaho

Code section 50-302 to enact and enforce this Chapter.

The purposes of this Chapter, therefore, are to protect the health and welfare of the citizens of Ada County and its cities; to provide for the control of exhaust emissions from motor vehicles above certain levels as determined by the Air Quality Board and to require annual inspection of certain motor vehicles in order to comply with the Federal Clean Air Act, as amended.

**5-4-3: DEFINITIONS:**

AUTOMOTIVE INSPECTION AND READJUSTMENT (AIR) PROGRAM	That program established by the Board in accordance with this Chapter and whose purpose is to implement the requirements of this Chapter.
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AUTOMOTIVE INSPECTION AND READJUSTMENT (AIR) STATION	A facility licensed in accordance with Board specifications and which is so equipped as to enable an exhaust emissions inspection to be performed.
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BOARD	The Air Quality Board.
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CARBON MONOXIDE (CO)	The chemical compound containing one atom of carbon and one atom of oxygen.
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CERTIFICATE OF COMPLIANCE	A sticker that certifies that the motor vehicle described thereon is in compliance with the requirements of this Chapter and the rules and regulations adopted pursuant to this Chapter.
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EMISSIONS INSPECTION MECHANIC	An individual licensed in accordance with Board specifications to inspect and adjust motor vehicles which are subject to the AIR program.
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EXHAUST EMISSIONS	Substances emitted into the atmosphere from any opening downstream of the exhaust port(s) of any motor vehicle engine.
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EXHAUST EMISSIONS CONTROL DEVICE	Equipment designed by the manufacturer for installation on a motor vehicle for the purpose of reducing pollutants emitted from the motor vehicle, or a system or engine modification of a vehicle which causes a reduction of pollutants emitted from the motor vehicle.
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EXHAUST EMISSIONS INSPECTION	That test, performed at an AIR station by an emissions inspection mechanic, which determines whether a motor vehicle's exhaust emissions meet or do not meet applicable pass-adjust criteria.
EXHAUST GAS ANALYZER	A device for calculating the proportion of various gases present in the exhaust emissions of a motor vehicle, specifically including carbon monoxide and any other gases as required by the Board.
GROSS VEHICLE WEIGHT	The weight in pounds of a fully fueled empty motor vehicle plus any additional carrying capacity specified by the vehicle manufacturer.
INSPECTION PERIOD	The month during which a nonexempt motor vehicle is scheduled to be presented for an exhaust emissions inspection.
JOINT POWERS AGREEMENT	That agreement entered into pursuant to the joint powers provisions of Idaho Code chapter 23, title 67, among and between the incorporated cities of Ada County and the County of Ada, which creates the Board.
MODEL YEAR	The year of origin of a motor vehicle so designated by that vehicle's certificate of registration.
MOTOR VEHICLE	Any self-propelled gasoline fueled or gasoline mix fueled motor vehicle with four (4) or more wheels in contact with the ground.
MOTOR VEHICLE OWNER	An individual, partnership, firm, public, private, or municipal corporation, association, trust, estate, agency, lessee, political subdivision or the State of Idaho or the government of the United States or any other legal entity or their legal representatives, agents or assigns whose name appears as owner of a motor vehicle on its certificate of registration.
NONEXEMPT MOTOR VEHICLE	A motor vehicle which is subject to AIR program testing requirements of this Chapter.
PASS-ADJUST CRITERIA	Those standards set forth in the rules and regulations adopted by the Board pursuant to this Chapter which specify the maximum allowable components which may exist in exhaust emissions of a nonexempt motor vehicle.

PUBLIC NOTICE	A statement of the Board's intent to modify the rules and regulations, including a summary of the proposed modifications, published in at least one newspaper of general circulation within Ada County, posted at the offices of the Air Quality Board, and mailed to participants in the joint powers agreement and AIR stations.
RULES AND REGULATIONS	Specific written provisions governing the AIR program, as adopted and amended by the Board from time to time.
TAMPERING	Removal of or rendering wholly or partially inoperative an exhaust emissions control device, including but not limited to, the catalytic converter, air injection system and leaded fuel inlet restrictor.

5-4-4: **INSPECTION MAINTENANCE PROGRAM CREATED:**

- A. An Air Quality Board is created pursuant to the joint powers provisions of Idaho Code chapter 23, title 67, in a joint powers agreement executed by the participating public agencies. The composition and organization of the Board shall be as set forth in the joint powers agreement.
- B. The Board shall design and implement an automotive inspection and readjustment (AIR) program for the mandatory exhaust emissions analysis, inspection and maintenance of certain motor vehicles in accordance with the "idle test" requirements for "Motor Vehicles: Emissions Control System Performance Warranty Short Tests," listed in section 207(b) of the Clean Air Act, 42 U.S.C., 7541(b).
- C. The owner of a nonexempt motor vehicle is required to present it annually at an AIR station for an exhaust emissions inspection during an inspection period determined by the Board. Failure to do so within the inspection period constitutes prima facie evidence of a violation of this Chapter. Criteria for determining the inspection period shall be adopted by the Board and incorporated in the rules and regulations.
- D. The owner of a nonexempt motor vehicle which passes an exhaust emissions inspection as provided herein shall display any sticker, certification, or other evidence of a completed inspection in a place and manner specified by the Board in the rules and regulations. Failure to do so constitutes prima facie evidence of a violation of this Chapter.
- E. A motor vehicle is classified as a nonexempt vehicle if all of the following are true:
  - 1. The primary fuel is gasoline or a gasoline mix;
  - 2. The certificate of registration has or is required to have "Ada County" entered upon

- it as the County of residence pursuant to Idaho Code 49-441;
3. The gross vehicle weight equals or exceeds one thousand five hundred (1,500) pounds; and
  4. The model year is 1965 or newer.
- F. The following are hereby specifically exempted from compliance with the AIR program, subject to verification in a manner specified by the Board and included in the rules and regulations:
1. Motor cycles as defined in Idaho Code 40-114;
  2. "Idaho Old Timers" as defined in Idaho Code 49-406;
  3. Farm tractors as defined in Idaho Code 49-107;
  4. Motor vehicles for which an alternate fuel type has been established;
  5. Motor vehicles for which a gross vehicle weight of less than one thousand five hundred (1,500) pounds has been verified;
  6. Motor vehicles registered under the prorated registration provisions of Idaho Code 49-437 for a period of less than six (6) months;
  7. Such other motor vehicles as may be exempted by rules and regulations adopted by the Board.
- G. An exhaust emissions inspection may only be performed by an exhaust emissions mechanic at an AIR station. An exhaust emissions inspection shall include all of the following:
1. A measurement of exhaust emissions using an approved exhaust gas analyzer or other device approved by the Board to sample the motor vehicle's exhaust emissions, specifically including the carbon monoxide content of the exhaust emissions and any other gases as adopted by the Board to comply with future regulations of the United States Environmental Protection Agency.
  2. A determination as to whether exhaust emissions meet the pass-adjust criteria.
  3. A visual inspection, for model years 1984 and newer, of the catalytic converter, air injection system and size of the fuel restrictor.
  4. Where exhaust emissions do not meet the pass-adjust criteria, an indication to a motor vehicle owner of the probable cause(s) of any malfunction or misadjustment

responsible for the failure to comply with the pass-adjust criteria.

- H. It is the responsibility of the owner of a nonexempt motor vehicle which was found not to comply with the pass-adjust criteria to have the motor vehicle repaired at the owner's expense and to have it reinspected within ten (10) calendar days of the failed exhaust emissions inspection. When repairs are necessary, the owner has the right to return said motor vehicle to the same AIR station for one reinspection without charge; provided, that not more than ten (10) calendar days have elapsed since the motor vehicle's initial exhaust emissions inspection. Repairs may be performed by the AIR station or by any other mechanic of the owner's choice.

1. Any person who presents a motor vehicle for an exhaust emissions inspection shall immediately pay the AIR station for the inspection, except as provided for re-inspections in subsection 5-4-4H of this Section.

In addition, any person whose motor vehicle successfully passes the exhaust emissions inspection shall immediately reimburse the AIR station for a certificate of compliance. The maximum allowable fee for an exhaust emissions inspection and the fee for a certificate of compliance shall be adopted by the Board as a portion of the rules and regulations and made known to the public in whatever manner the Board deems appropriate.

- J. An exhaust emissions mechanic who performs an exhaust emissions inspection on a motor vehicle shall, when the motor vehicle is found to comply with the pass-adjust criteria, immediately issue a certificate of compliance in accordance with procedures adopted by the Board in the rules and regulations. The certificate of compliance will expire on the last day of the next inspection period for that motor vehicle.

**5-4-5: DUTIES AND POWERS OF THE BOARD:**

- A. The Board shall conduct regular monthly public meetings at such time as the Board shall determine.
- B. The Board, in accordance with the criteria expressed herein, shall adopt rules and regulations for the implementation and operation of the AIR program and amend those rules and regulations, from time to time, as it deems necessary. Rules and regulations and amendments to same may only be adopted at an Air Quality Board meeting with a minimum of fourteen (14) days' public notice of the Board's intent to amend the rules and regulations.
- C. Rules and regulations shall include, but not be limited to, the following:
1. Procedures for determining the exempt or nonexempt status of any motor vehicle and releasing exempt motor vehicles from further compliance with the AIR program;

2. Procedures for establishing the inspection period for a nonexempt motor vehicle;
3. Pass-adjust criteria for all nonexempt motor vehicles;
4. Display and placement of certificates of compliance on nonexempt motor vehicles which have passed an exhaust emissions inspection;
5. Specifications for approved exhaust gas analyzers;
6. The fee ceiling which may be required to be paid by a nonexempt motor vehicle owner to bring their nonexempt motor vehicle into compliance with the pass-adjust criteria (this fee shall be the minimum necessary to accommodate typical repair needs and may be different for different model years);
7. The cost of a certificate of compliance (this fee shall be the minimum necessary to provide for the on-going operation, administration, maintenance and enforcement of the AIR program and shall not exceed \$3.75 without concurrence of all participating agencies);
8. Procedures for AIR stations to purchase certificates of compliance;
9. The maximum fee which may be charged by an AIR station for performing an exhaust emissions inspection (this fee shall be the minimum necessary to reimburse the AIR station for labor costs and reasonably amortize the cost of an exhaust gas analyzer plus a reasonable overhead and return on investment allowance);
10. The processing fee which may be assessed upon owners of nonexempt motor vehicles who fail to present their nonexempt motor vehicle for inspection within the inspection period (this fee shall be sufficient to recover costs of processing notices of violation for all nonexempt motor vehicles which do not comply with the provisions of this Chapter within the inspection period);
11. Procedures governing the licensing of AIR stations and emissions inspection mechanics and the suspension, revocation or termination of those licenses when appropriate;
12. Schedules and deadlines for the flow of data, paperwork and information pertaining to exhaust emissions inspections among AIR stations, exhaust emissions mechanics and the AIR program staff;
13. Fee schedules for licensing AIR stations and exhaust emission mechanics and for testing applicants for exhaust emissions mechanics' licenses; and
14. Audit procedures to insure that all certificates of compliance are adequately

protected against theft and counterfeiting.

- D. The Board or its authorized representatives, upon notice and an opportunity for a hearing, may suspend, revoke and/or require the surrender and forfeiture of the AIR station license of any AIR station permittee if it finds that such station is not operated in accordance with this Chapter or the rules and regulations. The procedure and grounds for suspension or revocation shall be set forth in the rules and regulations.
- E. The Board or its authorized representatives, upon notice and an opportunity for a hearing, may suspend, revoke and/or require the surrender and forfeiture of any emissions inspection mechanic's license if the Board finds that such emissions inspection mechanic does not perform tests in accordance with this Chapter or the rules and regulations. The procedure and grounds for suspension or revocation shall be set forth in the rules and regulations.
- F. The Board shall conduct an on-going quality assurance program to determine that all AIR stations and exhaust emission mechanics perform AIR program tasks in conformance with the adopted rules and regulations.
- G. The Board shall have the authority to undertake any additional actions reasonably necessary to the operation of the AIR program, including but not limited to:
  - 1. Employing necessary staff;
  - 2. Executing necessary contracts and documents;
  - 3. Authorizing deposits into and expenditures from the Motor Vehicle Emissions Inspection Fund;
  - 4. Acquiring and disposing of personal property;
  - 5. Operating the AIR program in accordance with standard fiscal practice; and
  - 6. Providing for an annual audit of both financial and management practices of the AIR program.
- H. The Board shall conduct on-going evaluations of the AIR program sufficient to satisfy requirements of the United States Environmental Protection Agency and other applicable rules and statutes.
- I. The Board may make known to owners of nonexempt motor vehicles, in whatever manner the Board deems appropriate, the following information about the AIR program:
  - 1. Purpose of the AIR program;



2. Owners' responsibilities under the AIR program;
3. Most common adjustments and repairs likely to be required in order for a motor vehicle to successfully pass an exhaust emissions inspection; and
4. Locations of AIR stations at which an exhaust emissions inspection may be performed.

5-4-6:           **FINANCING:**

- A.     There is hereby established a Motor Vehicle Emissions Inspection Fund which shall consist of the following:
  1. Money appropriated thereto by the Board or any local entity;
  2. Money remitted by the AIR stations which is collected as fees;
  3. Money received by the Board from private grants or donations;
  4. Money received by the Board from processing fees assessed to owners of nonexempt motor vehicles who do not present their vehicle for an exhaust emissions inspection during the inspection period;
  5. Federal or State funds received by the Board for the AIR program; and
  6. Any other funds received by the Board from any source.
- B.     Moneys in the Motor Vehicle Emissions Inspection Fund may be used to pay all costs incurred by the Board in administering any aspect of the AIR program.
- C.     The Board shall appropriate and budget on a fiscal year basis, indicating expenditures to be made in implementing and administering the AIR program and sources of income to be used for such expenditures.

5-4-7:           **INSPECTION CRITERIA AND COSTS:**

- A.     The Board shall adopt and include in the rules and regulations pass-adjust criteria and may amend these criteria, from time to time, as it deems necessary to meet the purposes and intent of this Chapter. A nonexempt motor vehicle's exhaust emissions must be less than or equal to the approved pass-adjust criteria in order for a certificate of compliance to be issued without further adjustment or testing.

- B. Nonexempt motor vehicles of the model year 1984 and newer must have a fully operational catalytic converter, air injection system, leaded fuel restrictor and any other component(s) specified by the Board in the rules and regulations. The owner of a nonexempt motor vehicle is required to see that these systems are fully operational. An exhaust emissions inspection will not be performed on any vehicle on which one or more of these components have been subject to tampering. The owner of any nonexempt motor vehicle which has been subject to tampering must bring all components into compliance and have the vehicle inspected within the inspection period.
- C. A certificate of compliance will be issued to each nonexempt motor vehicle which complies with the AIR program. The certificate will be displayed in a manner consistent with rules and regulations adopted by the Board.
- D.
  - 1. Blank certificates of compliance will be distributed to each participating AIR station upon payment to the AIR program of a fee adopted and set by the Board; this fee is recovered by the AIR station when it is transferred to a nonexempt motor vehicle which has successfully passed an exhaust emissions inspection. The AIR station may also charge a fee, adopted and set by the Board, to perform the exhaust emissions inspection on a nonexempt motor vehicle. The maximum total cost to a motor vehicle owner for an exhaust emissions inspection is therefor the sum of the fee for the certificate of compliance and the exhaust emissions inspection.
  - 2. If a nonexempt motor vehicle exceeds the model year pass-adjust criteria during the Initial test and the owner elects to utilize the ten (10) day period for independent correction provided for by subsection 5-4-4H of this Chapter, the charge for the initial test without the issuance of a certificate of compliance shall be limited to the fee for the exhaust emissions inspection. When the motor vehicle is returned within the ten (10) day period and meets pass-adjust criteria or has met the current repair limits, a certificate of compliance will be issued and the owner will pay only the fee for the certificate.
- E. If model year pass-adjust criteria are exceeded upon the initial test of a nonexempt motor vehicle, the AIR station may perform the adjustments and/or repairs required by the rules and regulations in order for a certificate of compliance to be issued. If, however, repair costs exceed or are reasonably expected to exceed the Board's currently adopted repair limits, a certificate of compliance may be issued without further testing.
- F. A certificate of compliance shall be issued to a nonexempt motor vehicle only by an emissions inspection mechanic at an AIR station and may only be issued to motor vehicles which have been tested with equipment and procedures specified and approved by the Board. No person shall represent himself or herself as an emissions inspection mechanic unless he or she has a current license issued by the Board.

- G. No person shall demand or collect a fee for the exhaust emissions inspection of a nonexempt motor vehicle unless authorized by this Chapter.
- H. As of January 1, 1991, the following pass-adjust criteria will be in place, subject to modification as provided in subsection 5-4-7A:

<u>MODEL YEAR</u>	<u>% CARBON MONOXIDE</u>
1965 - 1974	5.5
1975 - 1979	3.5
1980	1.5
1981 and newer	1.2

5-4-8: **ACQUISITION OF PROPERTY; CERTIFICATES PROPERTY OF BOARD:**

- A. The Board may acquire by purchase, donation, dedication, or other lawful means any special equipment, tools, materials or facilities needed to adequately administer, investigate or enforce the provisions of this Chapter or the rules and regulations adopted pursuant hereto provided; however, any acquisition made by the Board shall comply with all statutory requirements imposed upon the County of Ada for the purchase or receipt of property.
- B. All certificates of compliance are the property of the Board until such time as they are issued to properly inspected motor vehicles.

5-4-9: **FALSIFICATION OF CERTIFICATES:**

- A. No person shall wilfully make, issue, display, sell or possess any imitation, counterfeit, or alteration of a certificate of compliance.
- B. No person shall display upon any nonexempt motor vehicle a certificate of compliance knowing it to be issued without compliance with this Chapter.

- 5-4-10:       **ENFORCEMENT:** Any owner who fails to present a nonexempt motor vehicle for an exhaust emissions inspection during the inspection period is in violation of this Chapter and will be subject to a Board processing fee and any and all other enforcement mechanisms available through Idaho Code, this Chapter, and other applicable Municipal or County ordinances. Nothing in this Chapter shall be construed to prevent the Board from requesting or utilizing any and all enforcement mechanisms granted by law.
- 5-4-11:       **PENALTIES:** Any person who violates any provision of this Chapter shall be deemed guilty of an infraction and, upon judgment thereof, shall be subject to the penalties set forth In Idaho Infraction Rule 9(b) (Other Infractions). Failure to satisfy judgment as ordered by the court pursuant to this Chapter shall be deemed contempt of court punishable as a misdemeanor pursuant to Idaho Code 18-1801.
- 5-4-12:       **EFFECTIVE DATES:** This Chapter shall be effective beginning on January 1, 1991. (Ord. 674, 8-13-96)
- 5-4-13:       **SEVERABILITY:** If any section, sentence, clause, word or phrase of this Chapter is for any reason held to be unconstitutional or otherwise invalid or unenforceable by any court of competent jurisdiction, such shall not affect the validity and enforceability of the remaining portions of this Chapter, all of which shall remain in full force and effect. (Ord. 558, 11-13-90)

## **CITY OF MERIDIAN**

### **CHAPTER 3 MOTOR VEHICLE EMISSIONS CONTROL**

#### **7-3-1: SHORT TITLE**

This Chapter may be cited as the *1999 MOTOR VEHICLE EMISSIONS CONTROL ORDINANCE*. (Ord. 814, 6-1-1999)

#### **7-3-2: LEGISLATIVE FINDINGS AND PURPOSE:**

- A. It is found and declared that exhaust emissions from motor vehicles are a major source of air pollution throughout Ada County and such air pollution is a health hazard to all residents of the County and its incorporated cities.
- B. It is further found and declared that an effective system of periodic motor vehicle inspection and maintenance will reduce the level of vehicular-based air pollution.
- C. It is further found and declared that the Federal Government has mandated to the several states and local entities the ultimate responsibility for periodic motor vehicle inspection and maintenance.
- D. It is further found and declared that Ada County has been designated as a nonattainment area for both carbon monoxide and small particulate matter (PM<sub>10</sub>) and as such is mandated under the Federal Clean Air Act to reduce emissions so that the National Ambient Air Quality Standards will be attained and maintained.
- E. It is further found and declared that Ada County and its incorporated cities will be monitored for PM<sub>2.5</sub> and ozone in the immediate future, and that the primary source of both of these pollutants in Ada County is exhaust emissions from motor vehicles.
- F. It is further found and declared that fuel economy is a legitimate legislative purpose and that an efficient emissions control program will result in motor vehicle fuel savings for the residents of Ada County and its incorporated cities.
- G. It is further found and declared that The City and its incorporated cities are duly authorized to enact and enforce this Chapter under Idaho Code 31-714 and 50-302, respectively.
- H. The purposes of this Chapter, therefore, are to protect the health and welfare of the inhabitants of the City, to provide for the continued control and management of exhaust emissions above certain levels as determined by the Federal Clean Air Act, as amended, as well as Rules for the Control of Air Pollution in the State of Idaho (IDAPA 16.01.01 et seq.), and to empower the Air Quality Board to design and implement required periodic inspection of certain motor vehicles. (Ord. 814, 6-1-1999)

**7-3-3: DEFINITIONS:**

**AUTOMOTIVE INSPECTION PROGRAM:** That program established by the Board in accordance with this Chapter and whose purpose is to implement the requirements of this Chapter.

**AUTOMOTIVE INSPECTION STATION:** A facility licensed in accordance with Board specifications or operating under a contract with the Board for the purpose of performing exhaust emissions inspections.

**BOARD:** The Air Quality Board, chartered under the automotive inspection and readjustment program, joint powers agreement and this Chapter.

**CARBON MONOXIDE (CO):** An inorganic chemical compound containing one atom of carbon and one atom of oxygen.

**CERTIFICATE OF COMPLIANCE:** A Board-approved certificate verifying that the motor vehicle described thereon is in compliance with the requirements of this Chapter and the rules and regulations adopted pursuant to this Chapter.

**EMISSIONS INSPECTION MECHANIC:** An individual who performs exhaust emissions inspections on behalf of the Board in compliance with a formal written agreement with the Board.

**EMISSIONS REPAIR MECHANIC:** An individual who performs exhaust emissions repairs to motor vehicles on behalf of the Board in compliance with a formal written agreement with the Board.

**EXHAUST ANALYZER:** A device for calculating the proportion of various gases, vapors and particles present in the exhaust emissions of a motor vehicle, specifically including carbon monoxide, hydrocarbon, oxides of nitrogen, sulfur dioxide, volatile organic compounds and any other gases, vapors and particles as required by the Board.

**EXHAUST EMISSIONS:** Substances emitted into the atmosphere from any opening downstream of the exhaust port(s) of any motor vehicle engine.

**EXHAUST EMISSIONS CONTROL DEVICE:** Equipment designed by the manufacturer for installation on a motor vehicle for the purpose of reducing pollutants emitted from the motor vehicle, or a system or engine modification of a vehicle which causes a reduction of pollutants emitted from the motor vehicle, as required by Federal law.

**EXHAUST EMISSIONS INSPECTION AND EXHAUST EMISSIONS REINSPECTION:** That test, performed at an automotive inspection station or a repair and reinspection station by an emissions inspection mechanic, which determines whether a motor vehicle's exhaust emissions meet or do not meet applicable pass-adjust criteria.

**FINE PARTICULATE MATTER (PM<sub>2.5</sub>):** All particulate matter, including condensable particulates, with an aerodynamic diameter of less than or equal to a nominal two and one-half (2.5) micrometers.

**GROSS VEHICLE WEIGHT:** The weight in pounds of a fully fueled empty motor vehicle plus any additional carrying capacity specified by the vehicle manufacturer.

**HYDROCARBON (HC):** An organic compound consisting exclusively of the elements carbon and hydrogen.

**INSPECTION PERIOD:** That period, determined according to applicable rules and regulations, during which a nonexempt motor vehicle is scheduled to be presented for an exhaust emissions inspection.

**JOINT POWERS AGREEMENT:** That agreement entered into pursuant to the joint powers provisions of Idaho Code chapter 23 title 67, among and between the incorporated cities of Ada County, the County of Ada, and the Ada County Highway District, which creates the Board.

**MODEL YEAR:** The year of origin of a motor vehicle so designated by that vehicle's certificate of registration filed with the Idaho Department of Transportation.

**MOTOR VEHICLE:** Any self-propelled motor vehicle with four (4) or more wheels in contact with the ground.

**MOTOR VEHICLE OWNER:** An individual, partnership, firm, public, private, or municipal corporation, association, trust, estate, agency, lessee, political subdivision of the State of Idaho or the Government of the United States or any other legal entity or their legal representatives, agents or assigns whose name appears as owner of a motor vehicle on its certificate of registration.

**NATIONAL AMBIENT AIR QUALITY STANDARDS (NAAQS):** Standards developed by the U.S. Environmental Protection Agency in accordance with its responsibilities under the Federal Clean Air Act, as amended, and its implementing regulations.

**NONEXEMPT MOTOR VEHICLE:** A motor vehicle which is subject to the automotive inspection program and its exhaust emissions inspections.

**OXIDES OF NITROGEN (NO<sub>x</sub>):** A group of chemical compounds formed by the combination of oxygen and nitrogen.

**OZONE (O<sub>3</sub>):** A molecule composed of three (3) atoms of oxygen.

**PARTICULATE MATTER (PM<sub>10</sub>):** All particulate matter, including condensable particulates, with an aerodynamic diameter of less than or equal to a nominal ten (10) micrometers.

**PASS-ADJUST CRITERIA:** Those standards set forth in the rules and regulations adopted by the Board pursuant to this Chapter which specify the maximum allowable components which may exist in exhaust emissions of a nonexempt motor vehicle.

**PUBLIC NOTICE:** A statement of the Board's intent to modify the rules and regulations, including a summary of the proposed modifications, published in at least one newspaper of general circulation within Ada County, posted at the offices of the Air Quality Board, and mailed to all participants in the joint powers agreement and all automotive inspection stations.

**REPAIR AND REINSPECTION STATION:** A facility licensed in accordance with Board specifications or operating under a contract with the Board for the purpose of repairing nonexempt

motor vehicles which have failed an exhaust emissions inspection and to perform a reinspection of exhaust emissions in a manner specified by the Board.

**RULES AND REGULATIONS:** Specific written provisions governing the automotive inspection program, as adopted and amended by the Board from time to time.

**SULFUR DIOXIDE (SO<sub>2</sub>):** A chemical compound consisting exclusively of the elements sulfur and oxygen.

**TAMPERING:** Removal of or rendering wholly or partially inoperative an exhaust emissions control device, including, but not limited to, the catalytic converter, air injection system, fuel inlet restrictor or other subsequent systems and devices designed and installed to reduce exhaust emissions.

**VOLATILE ORGANIC COMPOUND (VOC):** Any organic compound which readily evaporates in the atmosphere and, through its participation in atmospheric photochemical reactions, contributes to the formation of ozone. (Ord. 814, 6-1-1999)

#### **7-3-4: INSPECTION-MAINTENANCE PROGRAM; AIR QUALITY BOARD**

- A. **Board Created:** An Air Quality Board is hereby created pursuant to the joint powers provisions of Idaho Code title 67, chapter 23 in a joint powers agreement executed by the participating public agencies. The composition and organization of the Board shall be as set forth in the joint powers agreement.
- B. **Implement Automotive Inspection Program:** The Board shall design and implement an automotive inspection program for the mandatory exhaust emissions analysis, inspection, maintenance and repair of nonexempt motor vehicles to ensure continued compliance with national ambient air quality standards and in accordance with applicable rules and regulations of the U.S. Environmental Protection Agency, the State Division of Environmental Quality and the Ada Planning Association Board.
- C. **Inspection Required:** The exhaust emissions of each nonexempt motor vehicle will be measured and evaluated periodically and the owner of any such vehicle is required to present the vehicle at an automotive inspection station for an exhaust emissions inspection unless specifically exempted from this requirement by the Board or by this Chapter. Failure to do so within the inspection period constitutes prima facie evidence of a violation of this Chapter. The frequency and timing of the inspection period will be determined by the Board.
- D. **Certificate of Compliance:** The owner of a nonexempt motor vehicle which passes an exhaust emissions inspection as provided herein shall be presented with a certificate of compliance. The owner shall maintain the certificate in a place and manner specified by the Board in the rules and regulations and present it to the Board or other authority upon demand. Failure to do so constitutes prima facie evidence of a violation of this Chapter.
- E. **Nonexempt Classification:** A motor vehicle is classified as a nonexempt motor vehicle if all of the following are true:



1. The certificate of registration has "Ada County" entered upon it as the county of residence or would be required to have "Ada County" entered upon it as the county of residence pursuant to Idaho Code 49-401B.
  2. The gross vehicle weight equals or exceeds one thousand five hundred (1,500) pounds.
  3. The model year is 1965 or newer.
- F. Exemptions: The following are hereby specifically exempted from compliance with the automotive inspection program, subject to verification in a manner specified by the Board and included in the rules and regulations:
1. Motorcycles as defined in Idaho Code 40-114.
  2. "Idaho Old Timers" as defined in Idaho Code 49-406.
  3. Farm tractors as defined in Idaho Code 49-107.
  4. Motor vehicles registered under the prorated registration provisions of Idaho Code 49-437 for a period of less than six (6) months.
  5. Idaho classic vehicles as defined in Idaho Code 49-406A.
  6. Motor vehicles for which an alternate fuel type has been established according to rules and regulations adopted by the Board.
  7. Such other motor vehicles as may be exempted by rules and regulations adopted by the Board.
- G. Inspection Requirements: An exhaust emissions inspection may only be performed by and in a manner consistent with rules and regulations adopted by the Board. An exhaust emissions inspection shall include all of the following:
1. A measurement of exhaust emissions using an approved exhaust analyzer or other procedure or device approved by the Board to sample the motor vehicle's exhaust emissions, specifically including carbon monoxide and hydrocarbon content of the exhaust emissions and any other gases, vapors and particles as adopted by the Board to comply with the purposes of this Chapter as expressed in Section 7-3-2 of this Chapter.
  2. A determination as to whether exhaust emissions meet the pass-adjust criteria.
  3. A visual inspection, for model years 1984 and newer, to verify presence of the catalytic converter, air injection system, size of the fuel restrictor and any other visual inspection component(s) specified by the Board in the rules and regulations.
  4. Any other inspection adopted by the Board in the rules and regulations. (Ord. 814, 6-1-1999)

- H. Notify Vehicle Owner of Noncompliance: Where exhaust emissions do not meet the pass-adjust criteria, an indication to a motor vehicle owner of the repair and reinspection provisions of the automotive inspection program. (Ord. 814, 6-1-1999; amd. 1999 code)
- I. Remedy of Noncompliance; Reinspection: It is the responsibility of the owner of a nonexempt motor vehicle which was found not to comply with the pass-adjust criteria to have the motor vehicle brought into compliance at the owner's expense and to have it reinspected within ten (10) calendar days of the failed exhaust emissions inspection according to procedures and criteria established by the Board and included in the rules and regulations.
- J. Payment of Inspection Fee: Each nonexempt motor vehicle shall bear a share of the cost of the automotive inspection program regardless of whether the Board elects to waive one or more exhaust emissions inspections for that vehicle. The motor vehicle owner for each nonexempt motor vehicle is required to submit payment to the Board or other authorized representative under terms and conditions specified in the rules and regulations.
- K. Issuance of Certificate of Compliance: An emissions inspection mechanic who performs an exhaust emissions inspection on a motor vehicle shall, when the motor vehicle is found to comply with the pass-adjust criteria, immediately issue a certificate of compliance in accordance with procedures adopted by the Board in the rules and regulations. The certificate of compliance will expire on the last day of the next inspection period for that motor vehicle. (Ord. 814, 6-1-1999)

**7-3-5: DUTIES AND POWERS OF THE BOARD:**

- A. Meetings: The Board shall conduct regular monthly meetings at such time and place as the Board shall determine. Meetings are open to the public.
- B. Adoption of Amendments of Rules and Regulations: The Board, in accordance with the criteria expressed herein, shall adopt rules and regulations for the implementation and operation of the automotive inspection program and amend those rules and regulations from time to time as it deems necessary. Rules and regulations and amendments to same may only be adopted at an Air Quality Board meeting with a minimum of fourteen (14) days' public notice of the Board's intent to amend the rules and regulations.
- C. Requirements for Rules and Regulations: Rules and regulations shall include, but not be limited to, the following:
  - 1. Procedures for determining the exempt or nonexempt status of any motor vehicle and releasing exempt motor vehicles from further compliance with the automotive inspection program.
  - 2. Procedures for establishing the inspection period for a nonexempt motor vehicle.
  - 3. Structure of the automotive inspection program, specifically including whether repairs and adjustments to motor vehicles failing to comply with the pass-adjust criteria may or may not be made by emissions inspection mechanics who perform the original exhaust emissions inspection.

4. Procedures for licensing or contracting for automotive inspection stations, repair and reinspection stations, emissions inspection mechanics and emissions repair mechanics and for the potential termination thereof.
  5. Pass-adjust criteria for all nonexempt motor vehicles.
  6. Nature and display of certificates of compliance on nonexempt motor vehicles which successfully comply with the pass-adjust criteria.
  7. Specifications for approved exhaust analyzers or other emissions measurement devices or systems.
  8. Procedures by which the fee to be charged each motor vehicle owner for each nonexempt motor vehicle is determined, or, alternatively, the fee itself.
  9. Circumstances under which a waiver may be granted to exempt a nonexempt motor vehicle from the provisions of this Chapter, either temporarily or permanently.
  10. Minimum effort(s) which will be required of the owner of a nonexempt motor vehicle owner which fails to comply with the pass-adjust criteria in order to bring the failing vehicle into compliance with the pass-adjust criteria, as well as procedures by which such minimum effort provisions may be amended from time to time. This effort shall generally be the minimum necessary to accommodate typical repair and reinspection needs and may be different for different model years.
  11. Cost of a certificate of compliance. This shall be the minimum necessary to provide for the ongoing operation, administration, maintenance and enforcement of the automotive inspection program and shall not exceed four dollars (\$4.00) without concurrence of all parties to the joint powers agreement.
  12. The processing fee which may be assessed upon owners of nonexempt motor vehicles who fail to present their nonexempt motor vehicle for inspection within the inspection period and the procedure by which this fee is established. This fee shall be sufficient to recover costs of processing notices of violation for all nonexempt motor vehicles which do not comply with the provisions of this Chapter within the inspection period.
  13. Procedures governing the contracting for or licensing of automotive inspection stations, repair and reinspection stations and emissions inspection mechanics and the suspension, revocation, or termination of those contracts or licenses when appropriate.
  14. Schedules and deadlines for the flow of data, paperwork and information pertaining to exhaust emissions inspections among automotive inspection stations, repair and reinspection stations, exhaust emissions mechanics and the automotive inspection program staff.
  15. Any other matters deemed to be within the authority of the Board.
- D. Compliance with Idaho Code: The Board may, at its discretion, employ the full power and authority of law to ensure that motor vehicle owners comply fully and completely with Idaho

Code 49-401B, specifically including correct designation of the county of residence as provided therein.

- E. Quality Assurance Program: The Board shall conduct an ongoing quality assurance program to determine that all automotive inspection stations, repair and reinspection stations and exhaust emission mechanics perform automotive inspection program tasks in conformance with the adopted rules and regulations.
- F. Suspension or Revocation of License: The Board or its authorized representative, upon written notice and an opportunity for a hearing, may suspend, revoke and/or require the surrender and forfeiture of any license granted by the Board which is not utilized in accordance with this Chapter or the rules and regulations. The procedure and grounds for suspension or revocation shall be set forth in the rules and regulations and shall comply with current Idaho law.
- G. Additional Actions: The Board shall have the authority to undertake any additional actions reasonably necessary to the operation of the automotive inspection program, including, but not limited to:
  - 1. Employing necessary staff.
  - 2. Executing necessary contracts and documents.
  - 3. Authorizing deposits into and expenditures from the motor vehicle emissions inspection fund.
  - 4. Acquiring and disposing of personal property.
  - 5. Establishing an annual budget for the air inspection program.
  - 6. Operating the automotive inspection program in accordance with standard fiscal practice.
  - 7. Providing for an annual audit of both financial and management practices of the automotive inspection program.
- H. Evaluation of Program: The Board shall conduct ongoing evaluations of the automotive inspection program sufficient to satisfy requirements of the U.S. Environmental Protection Agency, the Ada Planning Association Board and other applicable rules and statutes. (Ord. 814, 6-1-1999)

**7-3-6: FINANCING:**

- A. Fund Established: There is hereby established a motor vehicle emissions inspection fund which shall consist of the following:
  - 1. Money appropriated thereto by the Board or any local entity.
  - 2. Money remitted by automotive inspection stations and repair and reinspection stations which is collected as fees.
  - 3. Money received by the Board from private grants or donations.

4. Money received by the Board from processing fees assessed to owners of nonexempt motor vehicles who do not present their vehicle for an exhaust emissions inspection during the inspection period.
  5. Federal or State funds received by the Board for the automotive inspection program.
  6. Any other funds received by the Board from any source.
- B. Deposition of Funds: Monies in the motor vehicle emissions inspection fund may be used to pay all costs incurred by the Board in administering any aspect of the automotive inspection program.
- C. Appropriation and Budget: The Board shall appropriate and budget on a fiscal year basis, indicating expenditures to be made in implementing and administering the automotive inspection program and sources of income to be used for such expenditures. (Ord. 814, 6-1-1999)

**7-3-7: INSPECTION CRITERIA AND COSTS:**

- A. Approved Criteria: A nonexempt motor vehicle's exhaust emissions must be less than or equal to the approved pass-adjust criteria in order for a certificate of compliance to be issued without further repair, adjustment or testing.
- B. Vehicle Requirements: Nonexempt motor vehicles of the model year 1984 and newer must have a fully operational catalytic converter, air injection system, fuel restrictor and any other component(s), devices or systems specified by the Board in the rules and regulations. The owner of a nonexempt motor vehicle is required to see that these systems are fully operational. An exhaust emissions inspection will not be performed on any vehicle on which one or more of these components have been subject to tampering. The owner of any nonexempt motor vehicle which has been subject to tampering must bring all components into compliance and have the vehicle inspected within the inspection period.
- C. Issuance of Certificate of Compliance: A certificate of compliance may be issued by an emissions inspection mechanic who personally has performed an exhaust emissions inspection and found the nonexempt motor vehicle to be in full compliance with the automotive inspection program or by an emissions repair mechanic who has personally performed repairs and adjustments to a motor vehicle which bring such vehicle into full compliance with the automotive inspection program or by the Board.
- D. License or Contract Required by Inspection Mechanic: No person shall represent himself or herself as an emissions inspection mechanic unless he or she has a current license issued by the Board or is operating under a current contract with the Board.
- E. Authorization Required: No person shall demand or collect a fee for the exhaust emissions inspection of a nonexempt motor vehicle unless authorized by this Chapter. (Ord. 814, 6-1-1999)

**7-3-8: PROPERTY ACQUISITION; CERTIFICATES PROPERTY OF BOARD:**

- A. Authority to Acquire Property: The Board may acquire by purchase, donation, dedication, or other lawful means any special equipment, tools, materials or facilities needed to adequately administer, investigate or enforce the provisions of this Chapter or the rules and regulations adopted pursuant hereto, provided, however, any acquisition made by the Board shall comply with all statutory requirements imposed upon the County for the purpose of receipt of property.
- B. Certificate or Property of Board: All certificates of compliance are the property of the Board until such time as they are issued to properly inspected motor vehicles. (Ord. 814, 6-1-1999)

**7-3-9: FALSIFICATION OF CERTIFICATES:**

- A. Issuance: It shall be unlawful for any person to wilfully make, issue, display, sell or possess any imitation, counterfeit, or alteration of a certificate of compliance. Such activities so constitute prima facie evidence of a violation of this Chapter.
- B. Display: It shall be unlawful for any person to display upon nor carry within any nonexempt motor vehicle a certificate of compliance knowing it to be issued without compliance with this Chapter. Such activities so constitute prima facie evidence of a violation of this Chapter. (Ord. 814, 6-1-1999)

**7-3-10: ENFORCEMENT:**

Any owner who fails to present a nonexempt motor vehicle for an exhaust emissions inspection during the inspection period is in violation of this Chapter and will be subject to a Board processing fee and any and all other enforcement mechanisms available through Idaho Code, this Chapter, and other applicable Municipal or County ordinances. Nothing in this Chapter shall be construed to prevent the Board from requesting or utilizing any and all enforcement mechanisms granted by law. (Ord. 814, 6-1-1999)

**7-3-11: PENALTIES:**

Any person who violates any provision of this Chapter shall be deemed guilty of an infraction and, upon judgment thereof, shall be subject to the penalties set forth in Idaho Infraction Rule 9(b) (Other Infractions). Failure to satisfy judgment as ordered by the court pursuant to this Chapter shall be deemed contempt of court punishable as a misdemeanor pursuant to Idaho Code 18-1801. (Ord. 814, 6-1-1999)